



# Iraq: Politics, Governance, and Human Rights

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## Summary

Nearly two years after the 2011 U.S. withdrawal from Iraq, increasingly violent sectarian divisions are undermining the fragile stability left in place. Sunni Arab Muslims, who resent Shiite political domination and perceived discrimination, have escalated their political opposition to the government of Prime Minister Nuri al-Maliki through demonstrations and violence. Iraq's Kurds are embroiled in separate political disputes with the Baghdad government over territorial, political, and economic issues. The rifts impinged on provincial elections during April–June 2013 and could affect the viability of national elections for a new parliament and government expected in March 2014. Maliki is expected to seek to retain his post in that vote.

The violent component of Sunni unrest is spearheaded by the Sunni insurgent group Al Qaeda in Iraq (AQ-I) as well as groups linked to the former regime of Saddam Hussein. These groups, emboldened by the Sunni-led uprising in Syria as well as perceived discrimination against Sunni Iraqis, are conducting attacks against Shiite neighborhoods, Iraqi Security Force (ISF) members, and Sunni supporters of Maliki with increasing frequency and lethality. The attacks appear intended to reignite all-out sectarian conflict and provoke the fall of the government. To date, the 800,000 person ISF has countered the escalating violence without outside assistance and Iraqi forces have not substantially fractured along sectarian lines. However, a July 2013 major prison break near Baghdad cast doubt on the ISF ability to counter the violence longer term.

U.S. forces left in December 2011 in line with a November 2008 bilateral U.S.-Iraq Security Agreement. Iraq refused to extend the presence of U.S. troops in Iraq, seeking to put behind it the period of U.S. political and military control. Some outside experts and some in Congress have asserted that U.S. influence over Iraq has ebbed significantly since, tarnishing the legacy of U.S. combat deaths and funds spent on the intervention. Program components of what were to be enduring, close security relations—extensive U.S. training for Iraq's security forces through an Office of Security Cooperation—Iraq (OSC-I) and a State Department police development program—have languished or are ending in part because Iraqi officials perceive the programs as indicators of residual U.S. tutelage. The U.S. civilian presence in Iraq has declined from about 17,000 to about 10,500 and is expected to fall to 5,500 by the end of 2013. Still, Iraqi efforts to acquire sophisticated U.S. equipment such as F-16 combat aircraft, air defense equipment, and attack helicopters gives the Administration some leverage over Baghdad.

Although recognizing that Iraq wants to rebuild its relations in its immediate neighborhood, the Administration and Congress seek to prevent Iraq from falling under the sway of Iran, with which the Maliki government has built close relations. However, the legacy of the 1908-88 Iran-Iraq war, Arab and Persian differences, Iraq's efforts to reestablish its place in the Arab world, and Maliki's need to work with senior Iraqi Sunnis limit Iranian influence over the Baghdad government. Still, fearing that a change of regime in Syria will further embolden the Iraqi Sunni opposition, Maliki has not joined U.S. and other Arab state calls for Syrian President Bashar Al Assad to leave office and Iraq has not consistently sought to prevent Iranian overflights of arms deliveries to Syria. Iraq took a large step toward returning to the Arab fold by hosting an Arab League summit on March 27-29, 2012, and has substantially repaired relations with Kuwait, the state that Saddam Hussein invaded and occupied in 1990. In June 2013, the relationship with Kuwait helped Iraq emerge from some Saddam-era restrictions under Chapter VII of the U.N. Charter.

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## Overview of the Post-Saddam Political Transition

A U.S.-led military coalition, in which about 250,000 U.S. troops participated, crossed the border from Kuwait into Iraq on March 19, 2003. Turkey refused to allow any of the coalition force to move into Iraq from the north. After several weeks of combat, the regime of Saddam Hussein fell on April 9, 2003. During the 2003-2011 presence of U.S. forces, Iraq completed a transition from the dictatorship of Saddam Hussein to a plural political system in which varying sects and ideological and political factions compete in elections. A series of elections began in 2005, after a one-year occupation period and a subsequent seven-month interim period of Iraqi self-governance. There has been a consensus among Iraqi elites since 2005 to give each community a share of power and prestige to promote cooperation and unity. Still, disputes over the relative claim of each community on power and economic resources permeated almost every issue in Iraq and were never fully resolved. These unresolved differences—muted during the last years of the U.S. military presence—have reemerged since mid-2012 and threaten to return Iraq to a period of sectarian conflict.

### Initial Transition and Construction of the Political System

After the fall of Saddam's regime, the United States set up an occupation structure, reportedly based on concerns that immediate sovereignty would favor established Islamist and pro-Iranian factions over nascent pro-Western secular parties. In May 2003, President Bush, reportedly seeking strong leadership in Iraq, named Ambassador L. Paul Bremer to head a "Coalition Provisional Authority" (CPA), which was recognized by the United Nations as an occupation authority. Bremer discontinued a tentative political transition process and in July 2003 appointed a non-sovereign Iraqi advisory body, the 25-member "Iraq Governing Council" (IGC). During that year, U.S. and Iraqi negotiators, advised by a wide range of international officials and experts, drafted a "Transitional Administrative Law" (TAL, interim constitution), which became effective on March 4, 2004.<sup>1</sup>

After about one year of occupation, the United States, following a major debate between the CPA and various Iraqi factions, appointed an Iraqi interim government on June 28, 2004. That date met the TAL-specified deadline of June 30, 2004, for the end of the occupation period, which also laid out the elections roadmap discussed below.

### Major Factions Dominate Post-Saddam Politics

The interim government appointed by the CPA was headed by a prime minister, Iyad al-Allawi. He is leader of the Iraq National Accord (INA), a secular, non-sectarian faction that had long opposed Saddam Hussein. Allawi is a Shiite Muslim but his supporters are mostly Sunni Arabs, including some former members of the Baath Party. The president of the interim government was Sunni tribalist Ghazi al-Yawar.

- *Da'wa Party*. The interim government was heavily influenced by parties and factions that had long campaigned to oust Saddam. These included long-standing anti-Saddam Shiite Islamist parties, such as the Da'wa Party and the Islamic

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<sup>1</sup> Text, in English, is at <http://www.constitution.org/cons/iraq/TAL.html>.

Supreme Council of Iraq (ISCI), both of which were Iran-supported underground parties working to overthrow Saddam Hussein since the early 1980s. The largest faction of the Da'wa Party is led by Nuri al-Maliki, who displaced former leader Ibrahim al-Jaafari in 2006.

- *Islamic Supreme Council of Iraq (ISCI)* is led by the Hakim family—the sons of the revered late Grand Ayatollah Muhsin Al Hakim, who hosted Iran's Ayatollah Ruhollah Khomeini when he was in exile in Iraq during 1964-78. In the immediate post-Saddam period, Abd al-Aziz al-Hakim led the group after the August 2003 assassination of his elder brother, Mohammad Baqr al-Hakim, in a bombing outside a Najaf mosque. After Abd al-Aziz al-Hakim's death from lung cancer in August 2009, his son Ammar, born in 1971, succeeded him as ISCI chief.
- *Sadrists*. Another Shiite Islamist faction, one loyal to radical cleric Moqtada Al Sadr, whose family had lived under Saddam's rule, gelled as a cohesive party after Saddam's ouster and also formed an armed faction called the Mahdi Army. Sadr is the son of revered Ayatollah Mohammad Sadiq Al Sadr, who was killed by Saddam's security forces in 1999, and a relative of Mohammad Baqr Al Sadr, a Shiite theoretician and contemporary and colleague of Ayatollah Khomeini.
- *Kurdish Factions: KDP and PUK*. Also influential in post-Saddam politics are the long-established Kurdish parties the Kurdistan Democratic Party (KDP) headed by Masoud Barzani, son of the late, revered Kurdish independence fighter Mullah Mustafa Barzani, and the Patriotic Union of Kurdistan (PUK) headed by Jalal Talabani.
- *Iraqi National Congress (INC)*. Another significant longtime anti-Saddam faction was the INC of Ahmad Chalabi. The group had lobbied extensively in Washington D.C. since the early 1990s for the United States to overthrow Saddam, but did poorly in post-Saddam Iraqi elections.
- *Iraqi National Alliance (INA)*. Another major exile group that became prominent in post-Saddam Iraq was the Iraqi National Alliance of Iyad al-Allawi. Allawi is a Shiite but most of the group reportedly is Sunni. After returning to Iraq, Allawi went on to become prime minister of the interim government and then leader of the major anti-Maliki secular bloc now called "*Iraqiyya*." In opposing Maliki, Iraqiyya has been allied with various Sunni groups such as Al-Hadba'a—a party of hardline Sunni Arabs mainly in Nineveh Province and committed to an "Arab and Islamic identity" (anti-Kurdish) for the province. That faction is led by COR Speaker Osama al-Nujayfi and his brother Atheel.

## **Interim Government Formed and New Coalitions Take Shape**

Iraqi leaders of all factions agreed that elections should determine the composition of Iraq's new power structure. The beginning of the elections process was set for 2005 to produce a transitional parliament that would supervise writing a new constitution, a public referendum on a new constitution, and then the election of a full term government under that constitution.

In accordance with the dates specified in the TAL, the first post-Saddam election was held on January 30, 2005 for a 275-seat transitional National Assembly (which would form an executive), four-year-term provincial councils in all 18 provinces ("provincial elections"), and a Kurdistan

regional assembly (111 seats). The Assembly election was conducted according to the “proportional representation/closed list” election system, in which voters chose among “political entities” (a party, a coalition of parties, or people). The ballot included 111 entities, nine of which were multi-party coalitions. Still restive over their displacement from power in the 2003 U.S. invasion, Sunni Arabs (20% of the overall population) boycotted, winning only 17 Assembly seats, and only 1 seat on the 51-seat Baghdad provincial council. Moqtada Al Sadr, whose armed faction was then fighting U.S. forces, also boycotted the election, leaving his faction poorly represented on the provincial councils.

The resulting transitional government placed Shiites and Kurds in the highest positions. PUK leader Jalal Talabani was president and then Da’wa party leader Ibrahim al-Jafari was prime minister. Sunnis were Assembly speaker, deputy president, a deputy prime minister, and six ministers, including defense.

## **Permanent Constitution<sup>2</sup>**

A major task accomplished by the elected transitional Assembly was the drafting of a permanent constitution, adopted in a public referendum of October 15, 2005. A 55-member drafting committee in which Sunnis were underrepresented produced a draft providing for:

- The three Kurdish-controlled provinces of Dohuk, Irbil, and Sulaymaniyah to constitute a legal “region” administered by the Kurdistan Regional Government (KRG), which would have its own elected president and parliament (Article 113).
- a December 31, 2007, deadline to hold a referendum on whether Kirkuk (Tamim province) would join the Kurdish region (Article 140).
- designation of Islam as “a main source” of legislation.
- all orders of the CPA to be applicable until amended (Article 126), and a “Federation Council” (Article 62), a second chamber with size and powers to be determined in future law (not adopted to date).
- a 25% electoral goal for women (Article 47).
- families to choose which courts to use for family issues (Article 41); making only primary education mandatory (Article 34).
- having Islamic law experts and civil law judges on the federal supreme court (Article 89). Many Iraqi women opposed this and the previous provisions as giving too much discretion to male family members.
- two or more provinces to join together to form new autonomous “regions.” This provision was reaffirmed and implemented by an October 2006 law on formation of regions.
- “regions” to organize internal security forces, legitimizing the fielding of the Kurds’ *peshmerga* militia (Article 117). This continued a TAL provision.

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<sup>2</sup> Text of the Iraqi constitution is at <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>.



- the central government to distribute oil and gas revenues from “current fields” in proportion to population, and for regions to have a role in allocating revenues from new energy discoveries (Article 109).

These provisions left many disputes unresolved, particularly the balance between central government and regional and local authority. The TAL made approval of the constitution subject to a veto if a two-thirds majority of voters in any three provinces voted it down. With Sunni-Shiite tensions still high, Sunnis registered in large numbers (70%-85%) to try to defeat the constitution, despite a U.S.-mediated agreement of October 11, 2005 to have a future vote on amendments to the constitution. The Sunni provinces of Anbar and Salahuddin had a 97% and 82% “no” vote, respectively, but the constitution was adopted because Nineveh province voted 55% “no”—short of the two-thirds “no” majority needed to vote the constitution down.

### **December 15, 2005 Elections Establish the First Full-Term Government**

The December 15, 2005, elections were for a full-term (four-year) national government (also in line with the schedule laid out in the TAL). Each province contributed a set number of seats to a “Council of Representatives” (COR), a formula adopted to attract Sunni participation. There were 361 political “entities,” including 19 multi-party coalitions, competing in a “closed list” voting system (in which votes are cast only for parties and coalitions, not individual candidates). Voters chose lists representing their sects and regions, and the Shiites and Kurds again emerged dominant. The COR was inaugurated on March 16, 2006, but political infighting caused the replacement of Jafari with another Da’wa figure, Nuri Kamal al-Maliki, as Prime Minister.

On April 22, 2006, the COR approved Talabani to continue as president. His two deputies were Adel Abd al-Mahdi (incumbent) of ISCI and Tariq al-Hashimi, leader of the Iraqi Islamic Party (IIP). Another Sunni figure, the hardline Mahmoud Mashhadani (National Dialogue Council party), became COR speaker. Maliki won COR approval of a 37-member cabinet (including two deputy prime ministers) on May 20, 2006. Three key slots (Defense, Interior, and National Security) were not filled permanently until June 2006, due to infighting. Of the 37 posts, there were 19 Shiites; 9 Sunnis; 8 Kurds; and 1 Christian. Four were women.

## **2006-2011: Sectarian Conflict and U.S.-Assisted Reconciliation**

The 2005 elections were considered successful by the Bush Administration, but they did not resolve the Sunni-Arab grievances over their diminished positions in the power structure. Subsequent events suggested that the elections in 2005 might have worsened the violence by exposing and reinforcing the political weakness of the Sunni Arabs. With tensions high, the bombing of a major Shiite shrine within the Sunni-dominated province of Salahuddin in February 2006 set off major sectarian unrest, characterized in part by Sunni insurgent activities against government and U.S. troops, high-casualty suicide and other bombings, and the empowerment of Shiite militia factions to counter the Sunni acts. The sectarian violence was so serious that many

experts, by the end of 2006, were considering the U.S. mission as failing, an outcome that an “Iraq Study Group” concluded was a significant possibility absent a major change in U.S. policy.<sup>3</sup>

As assessments of possible overall U.S. policy failure multiplied, the Administration and Iraq agreed in August 2006 on a series of “benchmarks” that, if adopted and implemented, might achieve political reconciliation. Under Section 1314 of a FY2007 supplemental appropriation (P.L. 110-28), “progress” on 18 political and security benchmarks—as assessed in Administration reports due by July 15, 2007, and then September 15, 2007—was required for the United States to provide \$1.5 billion in Economic Support Funds (ESF) to Iraq. President Bush exercised the waiver provision. The law also mandated an assessment by the Government Accountability Office, by September 1, 2007, of Iraqi performance on the benchmarks, as well as an outside assessment of the Iraqi security forces (ISF).

In early 2007, the United States began a “surge” of about 30,000 additional U.S. forces (bringing U.S. troop levels from their 2004-2006 baseline of about 138,000 to about 170,000) in order to blunt insurgent momentum and take advantage of growing Sunni Arab rejection of extremist groups. The Administration cited as partial justification for the surge the Iraq Study Group’s recommendation of such a step. As 2008 progressed, citing the achievement of many of the major Iraqi legislative benchmarks and a dramatic drop in sectarian violence, the Bush Administration asserted that political reconciliation was advancing. However, U.S. officials maintained that the extent and durability of the reconciliation would depend on implementation of adopted laws, on further compromises among ethnic groups, and on continued attenuated levels of violence.

## **Iraqi Governance Strengthens As Sectarian Conflict Abates**

The passage of Iraqi laws in 2008 that were considered crucial to reconciliation, continued reductions in violence accomplished by the U.S. surge, and the continued turn of many Sunni militants away from violence, facilitated political stabilization. A March 2008 offensive ordered by Maliki against the Sadr faction and other militants in Basra and environs (“Operation Charge of the Knights”) pacified the city and caused many Sunnis and Kurds to see Maliki as willing to take on radical groups even if they were Shiite. This contributed to a decision in July 2008 by several Sunni ministers to end a one-year boycott of the cabinet, bringing relative stability back to the central government.

### **Local Governance: Provincial Powers Law and Provincial Elections**

In 2008, a “provincial powers law” (Law 21) was adopted to decentralize governance by delineating substantial powers for provincial (governorate) councils. The provincial councils enact provincial legislation, regulations, and procedures, and choose the province’s governor and two deputy governors. The provincial administrations draft provincial budgets and implement federal policies. Some central government funds are given as grants directly to provincial administrations for their use, although most of Iraq’s budget is controlled centrally. There were efforts in 2012 in some provinces to consult with district and municipal level officials to assure a fair distribution of provincial resources. The term of the provincial councils is four years from the

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<sup>3</sup> “The Iraq Study Group Report.” Vintage Books, 2006. The Iraq Study Group was funded by the conference report on P.L. 109-234, FY2006 supplemental, which provided \$1 million to the U.S. Institute of Peace for operations of an Iraq Study Group. The legislation did not specify the Group’s exact mandate or its composition.

date of their first convention. (This law was substantially revised by a law adopted in late June 2013 to give the provincial governments substantially more power, as discussed further below.)

The provincial elections had been planned for October 1, 2008, but were delayed when Kurdish restiveness over integrating Kirkuk into the KRG caused a presidential council veto of the July 22, 2008, draft of the required election law. That draft provided for equal division of power in Kirkuk (among Kurds, Arabs, and Turkomans) until its status is finally resolved, a proposal strongly opposed by the Kurds because it would dilute their political dominance there. On September 24, 2008, the COR passed another election law, providing for the provincial elections by January 31, 2009, but putting off provincial elections in Kirkuk and the three KRG provinces. That draft was enacted and applied to the January 31, 2009 election: it provided for six reserved seats for minorities: Christian seats in Baghdad, Nineveh, and Basra; one seat for Yazidis in Nineveh; one seat for Shabaks in Nineveh; and one seat for the Sabeen sect in Baghdad. The number of reserved seats for minorities was increased for the April 20, 2013, provincial elections.)

In the 2009 elections, about 14,500 candidates vied for the 440 provincial council seats in the 14 Arab-dominated provinces of Iraq. About 4,000 of the candidates were women. The average number of council seats per province was about 30,<sup>4</sup> down from a set number of 41 seats per province (except Baghdad) in the 2005-2009 councils. The Baghdad provincial council had 57 seats. The reduction in number of seats also meant that many incumbents were not reelected. The elections were conducted on an “open list” basis—voters were able to vote for a party slate, or for an individual candidate (although they also had to vote for that candidate’s slate). This procedure strengthened the ability of political parties to choose who on their slate will occupy seats allotted for that party, thereby favoring well-organized parties.<sup>5</sup> About 17 million Iraqis (any Iraqi 18 years of age or older) were eligible for the vote, which was run by the Iraqi Higher Election Commission (IHEC). Pre-election violence was minimal. Turnout was about 51%, somewhat lower than some expected.

The vote totals were certified on March 29, 2009. Maliki’s “State of Law Coalition” (a coalition composed of his Da’wa Party plus other mostly Shiite allies) was the clear winner, taking 126 out of the 440 seats available. ISCI went from 200 council seats before the election to only 50, which observers attributed to its perceived close ties to Iran and its corruption. Iyad al-Allawi’s faction won 26 seats, a gain of 8 seats, and a competing Sunni faction loyal to Tariq al-Hashimi won 32 seats, a loss of about 15 seats. Sunni tribal leaders who were widely credited for turning Iraqi Sunnis against Al Qaeda-linked extremists in Iraq, had boycotted the 2005 elections but participated in the 2009 elections. Their slate came in first in Anbar Province.

Within 15 days of that (by April 13, 2009) the provincial councils began to convene to elect a provincial council chairperson and deputy chairperson. Within another 30 days after that (by May 12, 2009) the provincial councils selected (by absolute majority) a provincial governor and deputy governors. Although Maliki’s State of Law coalition fared well, his party still needed to strike bargains with rival factions to form provincial administrations. The next provincial elections in Arab-dominated provinces were held during April - June 2013, as discussed below.

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<sup>4</sup> Each provincial council has 25 seats plus one seat per each 200,000 residents over 500,000.

<sup>5</sup> The threshold for winning a seat is the total number of valid votes divided by the number of seats up for election.

## The March 7, 2010, Elections: Shiites Fracture and Sunnis Cohere

After a strong showing for his list in the provincial elections, Maliki was favored to retain his position in the March 7, 2010, COR elections that would choose the next government. Maliki derived further political benefit from the U.S. implementation of the U.S.-Iraq “Security Agreement” (SA), discussed below. Yet, as 2009 progressed, Maliki’s image as protector of law and order was tarnished by several high-profile attacks, including major bombings in Baghdad on August 20, 2009, in which almost 100 Iraqis were killed and the buildings housing the Ministry of Finance and of Foreign Affairs were heavily damaged. As Maliki’s image of strong leadership faded that year, Shiite unity broke down and a strong rival Shiite slate took shape—the “Iraqi National Alliance (INA)” consisting of ISCI, the Sadrists, and other Shiite figures. The INA coalition believed that each of its component factions would draw support from their individual constituencies to produce an election victory.

To Sunni Arabs, the outwardly cross-sectarian Iraq National Movement (“Iraqiyya”) of former transitional Prime Minister Iyad al-Allawi (a broader coalition than his INA faction) rhad strong appeal. There was an openly Sunni slate, leaning Islamist, called the Accordance, and some Sunni figures joined Shiite slates in order to improve their chances of winning a seat.

**Table I. Major Coalitions for 2010 National Elections**

State of Law Coalition (slate no. 337)	Led by Maliki and his Da’wa Party. Included Anbar Salvation Front of Shaykh Hatim al-Dulaymi, which is Sunni, and the Independent Arab Movement of Abd al-Mutlaq al-Jabbouri. Appealed to Shiite sectarianism during the campaign by backing the exclusion of candidates with links to outlawed Baath Party.
Iraqi National Alliance (slate no. 316)	Formed in August 2009, considered the most formidable challenger to Maliki’s slate. Consisted mainly of his Shiite opponents and was perceived as somewhat more Islamist than the other slates. Included ISCI, the Sadrist movement, the Fadilah Party, the Iraqi National Congress of Ahmad Chalabi, and the National Reform Movement (Da’wa faction) of former Prime Minister Ibrahim al-Jafari. This slate was considered close to Ayatollah Sistani.
Iraqi National Movement (“Iraqiyya”—slate no. 333)	Formed in October 2009 by former Prime Minister Iyad al-Allawi who is Shiite but his faction appeals to Sunnis, and Sunni leader Saleh al-Mutlaq (ex-Baathist who leads the National Dialogue Front). The coalition included the IIP and several powerful Sunni individuals, including Usama al-Nujaifi and Rafi al-Issawi.
Kurdistan Alliance (slate no. 372)	Competed again as a joint KDP-PUK Kurdish list. However, Kurdish solidarity was shaken by July 25, 2009, Kurdistan elections in which a breakaway PUK faction called Change (Gorran) did unexpectedly well. Gorran ran its own separate list for the March 2010 elections.
Unity Alliance of Iraq (slate no. 348)	Led by Interior Minister Jawad Bolani, a moderate Shiite who has a reputation for political independence, but included the Sunni tribal faction led by Shaykh Ahmad Abu Risha, brother of slain leader of the Sunni Awakening movement in Anbar. The list also included first post-Saddam defense minister Sadun al-Dulaymi.
Iraqi Accordance (slate no. 338)	A coalition of Sunni parties, including some breakaway leaders of the IIP. Led by Ayad al-Samarrai, then-speaker of the COR. Was viewed as a weak competitor for Sunni votes against Allawi’s Iraqiyya.

**Sources:** Carnegie Endowment for International Peace; various press.

## **Election Law and “De-Baathification” Controversies**

While coalitions formed to challenge Maliki, disputes emerged over the ground rules for the election. Under the Iraqi constitution, the elections were to be held by January 31, 2010, in order to allow 45 days before the March 15, 2010, expiry of the COR’s term. Because the provisions of the election laws shape the election outcome, (covering such issues as voter eligibility, whether to allot quota seats to certain constituencies, and the size of the next COR), the major Iraqi communities were divided and the COR repeatedly missed self-imposed deadlines to pass it. Many COR members leaned toward a closed list system, but those who wanted an open list vote (allowing voters to vote for candidates as well as coalition slates) prevailed. The Kurds prevailed in insisting that current food ration lists be used to register voters, but there was a compromise that eased Sunni and Shiite Arab fears about an excessive Kurdish vote in Kirkuk. Sunnis ultimately lost their struggle to have “reserved seats” for Iraqis in exile; many Sunnis had gone into exile after the fall of Saddam Hussein. Each province served as a single constituency (see **Table 2**, for the number of seats per province).

The version of the election law passed by the COR on November 8, 2009 (141 out of 195 COR deputies voting) expanded the size of the COR to 325 total seats. Of these, 310 were allocated by province, with the constituency sizes ranging from Baghdad’s 68 seats to Muthanna’s seven. The COR size, in the absence of a recent census, was based on taking 2005 population figures and adding 2.8% per year growth.<sup>6</sup> The remaining 15 seats to be minority reserved seats (8) and “compensatory seats” (7)—seats allocated from “leftover” votes—votes for parties and slates that did not meet a minimum threshold to win any seat.

The electoral process was at least partly intended to bring Sunni Arabs further into the political structure. This goal was jeopardized by a major dispute over candidate eligibility for the March 2010 elections. In January 2010, the Justice and Accountability Commission (JAC, the successor to the “De-Baathification Commission” that worked since the fall of Saddam to purge former Baathists from government) invalidated the candidacies of 499 individuals (out of 6,500 candidates running) on many different slates. The JAC was headed by Ali al-Lami, a Shiite who had been in U.S. military custody during 2005-2006 for alleged assistance to Iranian agents active in Iraq. He was perceived as answerable to or heavily influenced by Ahmad Chalabi, who had headed the De-Baathification Commission. Both were part of the Iraqi National Alliance slate and both are Shiites, leading many to believe that the disqualifications represented an attempt to exclude prominent Sunnis from the vote. Appeals reinstated many of them, although about 300 had already been replaced by other candidates on their respective slates. Among those disqualified and later reinstated were two senior Iraqiyya slate members: National Dialogue Front party leader Saleh al-Mutlaq and Dhafir al-Ani. Lami was assassinated on May 26, 2011, presumably by Sunnis who viewed him as an architect of the perceived discrimination.) Chalabi, a member of parliament as of the 2010 elections, initially replaced Lami, but Maliki dismissed him in favor of the Minister for Human Rights to serve in that role concurrently. The JAC continues to vet candidates, and did so for the 2013 provincial elections.

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<sup>6</sup> Analysis of Iraq expert Reidar Visser. “The Hashemi Veto.” <http://gulfanalysis.wordpress.com/2009/11/18/the-hashemi-veto/>.

## **Election and Results**

There were about 6,170 total candidates spanning 85 coalitions, that ran in the elections. The major blocs are depicted in **Table 1**. Total turnout was about 62%, according to the IHEC. The final count was announced on March 26, 2010. As noted in **Table 2**, Iraqiyya won a narrow plurality of seats (two-seat margin over Maliki's State of Law slate). The Iraqi constitution (Article 73) mandates that the COR "bloc with the largest number" of members gets the first opportunity to form a government and Allawi demanded the first opportunity to form a government. However, on March 28, 2010, Iraq's Supreme Court ruled that a coalition that forms after the election could be deemed to meet that requirement, denying Allawi the first opportunity to form a government.

The vote was to have been certified by April 22, 2010, but factional disputes delayed the certification. Several international observers, including then-U.N. Special Representative for Iraq Ad Melkert (and head of the U.N. Assistance Mission—Iraq, UNAMI), indicated that there was no cause to suggest widespread fraud. (Melkert was replaced in September 2011 by Martin Kobler, who is in turn being replaced by Bulgarian diplomat Nickolay Mladenov as of September 2013.) After appeals of some of the results, Iraq's Supreme Court certified the results on June 1, 2010, triggering the following timelines:

- Fifteen days after certification (by June 15, 2010), the new COR was to be seated and to elect a COR speaker and deputy speaker. (The deadline to convene was met, although, as noted, the COR did not elect a leadership team and did not meet again until November 11, 2010.)
- After electing a speaker, but with no deadline, the COR was to choose a president (by a two-thirds vote). (According to Article 138 of the Iraqi constitution, after this election, Iraq is to have a president and at least one vice president—the "presidency council" concept was an interim measure that expired at the end of the first full-term government.)
- Within another 15 days, the largest COR bloc is tapped by the president to form a government.
- Within another 30 days (by December 25, 2010), the prime minister-designate is to present a cabinet to the COR for confirmation (by majority vote).

## **Post-Election Government**

Part of the difficulty forming a government after the election was the close result, coupled with the perception that Iraqi politics is a "winner take all" proposition. In accordance with timelines established in the Constitution, the newly elected COR convened on June 15, 2010, but the session ended after less than a half hour without electing a COR leadership team. The various factions made little progress through August 2010, as Maliki insisted he remain prime minister for another term and remained in a caretaker role. The United States stepped up its involvement in political talks, but it was Iraqi politics that led the factions out of an impasse. On October 1, 2010, Maliki received the backing of most of the 40 COR Sadrist deputies. Despite Maliki's reliance on Sadrist support, the Obama Administration backed a second Maliki term while demand that Maliki form a government inclusive of Sunni leaders. Illustrating the degree to which the Kurds reclaimed their former role of "kingmakers," Maliki, Allawi, and ISCI leader Hakim met in the capital of the Kurdistan Regional Government-administered region in Irbil on November 8, 2010, to continue to negotiate on a new government.

On November 10, 2010, with reported direct intervention by President Obama, the “Irbil Agreement” was finalized in which (1) Allawi agreed to support Maliki and Talabani to remain in their offices for another term; (2) Iraqiyya would be extensively represented in government—one of its figures would become COR Speaker, another would be defense minister, and another (presumably Allawi himself) would chair an oversight body called the “National Council for Strategic Policies;”<sup>7</sup> and (3) easing the de-Baathification laws. Observers praised the agreement because it included all major factions and was signed with KRG President Masoud Barzani and then U.S. Ambassador to Iraq James Jeffrey in attendance.

## **Second Full-Term Government (2010-2014) Formed<sup>8</sup>**

At the November 11, 2010, COR session to implement the agreement, Iraqiyya figure Usama al-Nujaifi (brother of Nineveh Governor Atheel Nujaifi) was elected COR speaker. Several days later, Talabani was reelected president and Talabani tapped Maliki as prime minister-designate, giving him until December 25, 2010 to achieve COR confirmation of a cabinet. That requirement was accomplished on December 21, 2010. Among major outcomes were the following:

- As for the State of Law list, Maliki remained prime minister, and retained for himself the Defense, Interior, and National Security (minister of state) posts pending permanent nominees for those positions. The faction took seven other cabinet posts, in addition to the post of first vice president (Khudair al Khuzai of the Da’wa Party) and deputy prime minister for energy issues (Hussein Shahrastani, previously the oil minister).
- For Iraqiyya, Saleh al-Mutlaq was appointed a deputy Prime Minister; Tariq al-Hashimi remained a vice president (second of three). The bloc also obtained nine ministerial posts, including Finance Minister Rafi al-Issawi (previously a deputy prime minister).
- For the Iraqi National Alliance, Adel Abdul Mahdi kept his vice president post (third of three) until he resigned in 2011, and the coalition obtained 13 cabinet positions, parceled out among its various factions. The Sadrists got eight ministries, including Housing, Labor and Social Affairs, Ministry of Planning, and Tourism and Antiquities, as well as one of two deputy COR speakerships. An INA technocrat, Abd al Karim Luaibi, was appointed oil minister. A Fadilah party member, Bushra Saleh, became minister of state without portfolio and the only woman in the cabinet at that time. Another Fadila activist was named minister of justice. The Sadrists later gained additional influence when a Sadrist became governor of Maysan Province.
- The Kurdistan Alliance received major posts aside from Talabani. The third deputy prime minister is Kurdish/PUK figure Rows Shaways, who has served in various central and KRG positions since the fall of Saddam. Arif Tayfour is second deputy COR speaker. Alliance members had six other cabinet seats, including longtime Kurdish (KDP) stalwart Hoshyar Zebari remaining as foreign minister (a position he’s held throughout the post-Saddam periods). Khairallah

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<sup>7</sup> Fadel, Leila and Karen DeYoung. “Iraqi Leaders Crack Political Deadlock.” *Washington Post*, November 11, 2010.

<sup>8</sup> The following information is taken from Iraqi news accounts presented in <http://www.opensource.gov>.

Hassan Babakir, was named trade minister in a February 13, 2011 bloc of ministerial appointments.

## **Post-U.S. Withdrawal Political Unraveling**

The power-sharing agreement only temporarily muted, but did not resolve, the underlying differences among the major communities. Maliki's opponents have accused him of undermining the Irbil Agreement and seeking to concentrate power in his and his faction's hands. The critics assert that he has monopolized control of the Defenses, Interior, and National Security (intelligence) posts by refusing to split those ministries among the major political factions. Maliki has appointed allies and associates as acting ministers of those ministries: Sadun Dulaymi—a Sunni Arab member of the Iraq Unity Alliance is acting Defense Minister; Falih al-Fayad, a Shiite, is acting Minister of State for National Security; and Adnan al-Asadi, another Shiite, is acting Interior Minister.

Maliki's critics also assert that he has sought to directly control the security forces and to use them for political purposes. Through his Office of the Commander-in-Chief, he directly commands the 10,000 person Counter-Terrorism Service, of which about 4,100 are Iraqi Special Operations Forces (ISOF). These forces are tasked with countering militant groups, although Maliki's critics assert that he uses them to intimidate his senior Sunni critics and Iraq's Sunnis more broadly. His critics further assert that Maliki has put under his executive control several supposedly independent bodies. In late 2010, he successfully requested that Iraq's Supreme Court rule that several independent commissions—including the Independent Higher Election Commission (IHEC) that runs Iraq's elections and the Commission of Integrity, the key anti-corruption body—be supervised by the cabinet.<sup>9</sup> In March 2012, Maliki also asserted governmental control over the Central Bank, which is constitutionally to be independent. In October 2012, Maliki reportedly directed investigative agencies to arrest the the Central Bank governor and his top staff for allegedly allowing unauthorized bulk transfers of foreign currency out of the country.

## **Political Crisis Begins Immediately After U.S. Withdrawal Completion**

Political disputes among the major factions intensified as U.S. forces left Iraq. In November 2011, security forces arrested 600 Sunnis for involvement in an alleged coup plot. On December 19, 2011, the day after the final U.S. withdrawal (December 18, 2011)—and one week after Maliki met with President Obama in Washington, D.C., on December 12, 2011—the government announced an arrest warrant against Vice President Tariq al-Hashimi, another major Iraqiyya figure. He was accused of ordering his security staff to commit acts of assassination, and three such guards were shown on Iraqi television “confessing” to assassinating rival politicians at Hashimi's behest. Hashimi fled to the KRG region and refused to return to face trial in Baghdad unless his conditions for a fair trial there were met. A trial in absentia in Baghdad convicted him and sentenced him to death on September 9, 2012, for the alleged killing of two Iraqis. There was not an international outcry over the sentence, corroborating the view of some U.S. diplomats that there might have been some truth to the allegations. Hashimi remains in Turkey, where he eventually fled, meaning the death sentence will likely never be implemented.

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<sup>9</sup> Parker, Ned and Salar Jaff. “Electoral Ruling Riles Maliki's Rivals.” *Los Angeles Times*, January 23, 2011.



The Hashimi arrest cast doubt on President Obama's assertion, marking the U.S. withdrawal, that Iraq is now "sovereign, stable, and self-reliant." U.S. officials attempted to contain the crisis by intervening with the various political factions. The effort produced some results when Maliki arranged the release of some of the Baathists arrested in early 2012 and agreed to legal amendments to give provinces more autonomy over their budgets and the right of consent when national security forces are deployed.<sup>10</sup> (These concessions were included in a revised provincial powers law adopted by the COR in June 2013.) The Maliki concessions prompted Iraqiyya COR deputies and ministers to resume their duties by early February 2012.

In March 2012, the factions tentatively agreed to hold a "national conference," to be chaired by President Talabani, respected as an even-handed mediator, to try to reach durable solutions to the outstanding fundamental Sunni-Shiite-Kurdish issues. A "preparatory committee" was named to establish an agenda and format, but it repeatedly failed to meet. March 20, 2012 comments by KRG President Barzani, accusing Maliki of a "power grab" by harnessing control of the security forces dimmed prospects for holding the conference, although Maliki formally tried to convene it on April 5, 2012. The conference was not held.

With attempts to repair the rifts failing, Maliki critics met in late April 2012 in the KRG region, at the invitation of Barzani. Attending were Iraqiyya leader Allawi, Iraqiyya member and COR speaker Osama Nujaifi, and Moqtada Al Sadr, in what reportedly was his first visit to the Kurdish north. At the conclusion of the meetings, the four threatened a vote of no-confidence unless Maliki adhered to the "principles and framework" of a democratic approach to governance. By mid-June 2012, these critics had collected signatures from 176 COR deputies to request a no-confidence vote. Under Article 61 of the constitution, signatures of only 20% of the 325 COR deputies (65 signatures) are needed to trigger a vote, but President Talabani (who is required to present a valid request to the COR to hold the vote) stated on June 10, 2012, that there were an insufficient number of valid signatures to proceed with that vote.<sup>11</sup> One key factor in thwarting the no-confidence effort was Maliki's convincing the Sadrist to back out of the no-confidence campaign. Maliki also reached out to Sunni leaders to calm tensions with them and deputy Prime Minister Saleh al-Mutlaq resumed his duties. On the other hand, Minister of Communications Mohammad al-Allawi, an Iraqiyya member, resigned in late August 2012.

### **Political Crisis Evolves into Major Sectarian Rift in 2013**

Political disputes flared again after the widely respected political mediator President Talabani suffered a stroke on December 18, 2012. The day he was flown out of Iraq for treatment on December 20, 2012, Maliki moved against another perceived Sunni adversary, Finance Minister Rafi al-Issawi, by arresting ten of his bodyguards. That action touched off anti-Maliki demonstrations in the Sunni cities of Anbar, Salahuddin, and Nineveh provinces, as well as in Sunni districts of Baghdad.

As demonstrations continued, what had been primarily disputes among elites was transformed into mass unrest that threatened to return Iraq to the major Sunni-Shiite sectarian conflict that occurred during 2006-2008. The thrust of the Sunni unrest is based on perceived discrimination by the Shiite-dominated Maliki government. Some Sunni demonstrators were reacting not only to the moves against Issawi and other Sunni leaders, but also to the fact that the overwhelming

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<sup>10</sup> Tim Arango. "Iraq's Prime Minister Gains More Power After Political Crisis." *New York Times*, February 28, 2012.

<sup>11</sup> "Embattled Iraqi PM Holding On To Power for Now." Associated Press, June 12, 2012.

number of prisoners in Iraq's jails are Sunnis, according to Human Rights Watch researchers. Sunni demonstrators have demanded the release of prisoners, particularly women; a repeal of "Article 4" anti-terrorism laws under which many Sunnis are incarcerated; reform or end to the de-Baathification laws that has been used against Sunnis; and improved government services.<sup>12</sup>

During January—March 2013, the use of small amounts of force against demonstrators caused the unrest to worsen. On January 25, 2013, the ISF killed nine protesters on a day when oppositionists killed two ISF police officers. Sunni demonstrators protested every Friday during that period, on some occasions blocked the roads leading from Iraq to Jordan and to Syria, and began to set up encampments in some cities. Some observers believe that the protest movement was emboldened by the Sunni-led rebellion in neighboring Syria. Some protesters began to carry pictures of Saddam Hussein, enraging Maliki and other Shiite officials.

Politically, the escalating Sunni unrest caused further rifts at the leadership level. Allawi and Saleh al-Mutlaq called on Maliki to resign and Moqtada Al Sadr widened cracks in Shiite solidarity by supporting the demonstrators. The COR passed a law limiting Maliki to two terms (meaning he could not serve again after 2014 elections), although Iraqi courts did not uphold that law. Issawi resigned as Finance Minister and took refuge in Anbar province with Sunni tribal leaders, some of whom Maliki ordered arrested, including Shaykh Ahmad Abu Risha and Shaykh Hussein al-Jabburi. In March 2013, Kurdish ministers suspended their participation in the central government and returned to the Kurdistan region and no Kurdish leader went to Baghdad to meet with Secretary of State John Kerry during his March 24, 2013, visit to Iraq. COR Speaker Nujaifi met with Secretary Kerry during that visit.

During January—March 2013, Maliki tried, without success to date, to mollify the Sunni leaders and protesters. He formed a committee, headed by deputy Prime Minister Shahrastani, to examine protester grievances and suggest reforms. He released some imprisoned Sunnis, including 300 released on January 14, 2013. On the other hand, he signaled that he might restructure the government into a "majority government"—abandoning the power-sharing arrangement and presumably further reducing Sunni participation in the central government.

### *Escalation After April 2013 Hawijah Incident*

The protests affected - and were affected by - the April 20, 2013, provincial elections. On March 19, 2013, the government postponed the elections in two Sunni provinces, Anbar and Nineveh, until June 20, 2013. The government refused Secretary of State Kerry's requests, made during his March 24, 2013 visit, to reverse that postponement. On April 23, 2013, three days after the first group of provinces voted, the ISF stormed a Sunni protest camp in the town of Hawijah, near the mostly Kurdish city of Kirkuk. About 40 civilians and 3 ISF were killed in the battle that ensued. In the following days, many Sunni demonstrators and tribal leaders took up arms and called on followers to arm themselves. Sunni gunmen took over government buildings in the town of Suleiman Pak for a few days. ISF checkpoints in many Sunni areas were attacked by gunmen, and Anbar tribal leaders gave the government an ultimatum to pull all ISF forces out of the province. At the political level, Iraqiyya pulled out of the COR entirely, and three Sunni ministers resigned, following one (Agriculture Minister Izzedin Al Dowlah) who had resigned one month earlier. In a speech to the nation on April 24, 2013, Maliki urged dialogue to calm the unrest but also leaned

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<sup>12</sup> Author conversations with Human Rights Watch researchers, March 2013.

toward those advisers urging a military solution by stating that the ISF “must impose security in Iraq.”

U.S. officials reportedly pressed Maliki not to use the military to suppress Sunni protests, arguing that such a strategy has led to all-out civil war in neighboring Syria, and also worked with Sunni tribal leaders to appeal for calm. On April 29—30, 2013, Kurdish leaders began a dialogue with the central government and, as a first step, reached agreement for Kurdish ministers to return to their positions in Baghdad. In May 2013 Maliki shuffled his top security forces command, probably in part to sideline figures that Sunnis blame for ordering attacks on protesters. Several faction leaders met at the home of Ammar al-Hakim to try to discuss ways out of the political impasse, although without a clear outcome. Maliki himself was not invited because of his formal governmental position, and Iyad al-Allawi and Moqtada Al Sadr did not attend either, according to Iraqi observers.

### *April 2013 Provincial Elections Occur Amid the Tensions*

Some experts argue that the provincial election results demonstrate that most Iraqis want to avoid sectarian conflict and want to work to rebuild political power-sharing. The elections were held on April 20, 2013 in twelve provinces, and on June 20, 2013 in Anbar and Nineveh Province. The mandate of the current nine-member IHEC, which runs the election, expired at the end of April 2012, and the COR confirmed a new panel in September 2012. The IHEC set the April 20, 2013 election date on October 30, 2012, while deciding that the elections would not be held in the three KRG-controlled provinces or in the province of Kirkuk. As noted, in May 2013, the cabinet announced the vote in Anbar and Nineveh would be held on June 20, 2013, somewhat earlier than an initial postponement to July 4, 2013. The KRG provinces will vote on September 21, 2013, but the election there will be broader than just provincial elections, as discussed below.

The deadline for party registration was on November 25, 2012, and the IHEC subsequently published a list of 261 political entities that registered to run. The COR’s law to govern the election passed in December 2012, providing for an open list vote, as was the case in the previous provincial election. The deadline to register coalitions of political entities was December 20, 2012, and 50 coalitions registered. Individual candidate registration was completed by December 25, 2012, and about 8,150 candidates registered to run for the 447 seats up for election (including those in Anbar and Nineveh that voted on June 20, 2013). The JAC excluded about 200 candidates for alleged Baathist ties, but that figure was lower than the number many Sunnis expected. The campaign period started on schedule on March 1, 2013.

With the April 20, 2013 vote being held mostly in Shiite areas, the election shaped up as a test of Maliki’s popularity. Maliki’s State of Law coalition remained relatively intact, consisting mostly of Shiite parties, including Fadilah (Virtue) and the ISCI-offshoot the Badr Organization. ISCI registered its own “Citizen Coalition” (the name of its bloc in the COR), and Sadr registered a separate “Coalition of Liberals.” Among the mostly Sunni groupings, Allawi’s Iraqiyya and 18 smaller entities ran as the “Iraqi National United Coalition.” A separate “United Coalition” consisted of supporters of the Nujafis (COR speaker and Nineveh governor), Vice President Tariq al-Hashimi, and Rafi al-Issawi. A third Sunni coalition is loyal to Saleh al-Mutlaq. The two main Kurdish parties ran under the Co-Existence and Fraternity Alliance.

*Voting and Results.* Turnout on April 20, 2013 was estimated at about 50%. Election day violence was minimal, although a reported 16 Sunni candidates were assassinated prior to the election. According to results finalized on May 19, 2013, Maliki’s State of Law won a total of about 112

seats, and it won a plurality in seven of the twelve provinces that voted. Maliki's list did particularly well in the major urban centers of Baghdad and Basra, but, even in those provinces, it has had to ally with other groups to form provincial administrations. ISCI's Citizen Coalition won back some of the losses it suffered in the 2009 elections, winning a total of about 75 seats. Sadr's slate won a reported total of about 59 seats, including a plurality in Maysan province. Among Sunnis, the United Coalition bested the Iraqiyya-led coalition—an outcome most relevant in the two majority Sunni provinces that voted that day—Diyala and Salahuddin. However, in Salahuddin, a local coalition headed by the governor of the province won a plurality.

The June 20, 2013 election in Anbar and Nineveh was primarily a contest among the Sunni blocs. In heavily Sunni Anbar, the Nujaifi bloc won a slight plurality. In Nineveh, where the Nujafis previously held an outright majority of provincial council seats (19 of 37), their slate suffered a significant setback. The Kurds won 11 out of the province's 39 seats, and the Nujaifi grouping came in second with eight seats. Sunnis willing to work with Maliki rather than implacably oppose him won an almost equal number of seats as the harder line Nujaifi grouping<sup>13</sup> - a result that some experts interpret as reflecting the inclination of all Iraqis, regardless of sect, to avoid returning to a period of sectarian conflict.

### *Post-Election and Current Situation*

Even as the factions attempt to negotiate a political solution, attacks on government forces, Shiite communities and even against Sunnis cooperating are continuing and, by some measures, escalating. However, most of these attacks are carried out by Al Qaeda in Iraq and affiliated militant groups, which appear to be deriving some measure of popular support from Sunnis resentful of Maliki's perceived efforts to marginalize the Sunni community politically and economically. The vast majority of the violence is not being committed by Iraqi Sunnis unaffiliated with these groups, by all accounts. According to the U.N. Assistance Mission-Iraq (UNAMI), about 2,500 Iraqis were killed in political violence during April–June 2013. Of those, over 1,050 were killed in May 2013 alone. UNAMI stated that over 1,000 Iraqis died in political violence during July 2013, of which about 90% were civilians. These are the highest death tolls in Iraq since 2008 and has led observers to assess that Iraq might be returning to the 2006-8 period of sectarian conflict.

Some developments in June and July 2013 offered the potential for compromise and a reduction in the violence in the near future. In June 2013 the COR revised the 2008 provincial powers law to give the provinces substantially more authority relative to the central government, including some control over security forces (Article 31-10). The revisions also specify a share of revenue to be given to the provinces and mandate that within two years, control of the province-based operations of central government ministries be transferred to the provincial governments.<sup>14</sup> In July 2013, the cabinet approved a package of reforms easing the de-Baathification laws—a key demand of the Sunni protesters. The reforms, if they become law, would allow many former Baathists to hold government positions. In addition, Maliki reportedly has sought to engage some of the Sunni leaders he formally sought to marginalize, including deputy Prime Minister Mutlaq and some members of Allawi's Iraqiyya faction.

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<sup>13</sup> Kirk Sowell. "Sunni Voters and Iraq's Provincial Elections." July 12, 2013.

<sup>14</sup> Reidar Vissar. "Provincial Powers Revisions, Elections Results for Anbar and Nineveh: Is Iraq Headed for Complete Disintegration?" June 27, 2013.

*KRG Elections.* Provincial elections in the KRG-controlled provinces were not held during the January 2009 provincial elections or during the March 7, 2010, COR vote. These elections had previously been scheduled for September 27, 2012, but in June 2012 the KRG announced a postponement because the IHEC ruled that Christian voters could only vote for Christian candidates—a ruling the Kurds said restricted the rights of minorities. In April 2013, the KRG announced that on September 21, 2013, the three KRG provinces will hold provincial elections, as well as elections for the Kurdistan National Assembly (KNA) and the KRG presidency. However, on July 1, 2013, the KNA voted to extend Barzani's term two years, meaning there will not be a KRG presidential vote on September 21, 2013. The State Department said on July 2, 2013 that it is confident that the KNA elected in September will finalize a KRG constitution and set presidential elections possibly earlier than 2015.

*2014 COR Elections.* The term of the existing COR expires no later than early 2014, and the elections are tentatively planned for some time in March 2014. That schedule could change if the political crisis or escalating violence leads causes a postponement. Maliki reportedly has given indications to his allies and other senior Iraqis that he will seek to retain his prime ministership, although it is possible that an agreement that he not run again could form part of a settlement to the sectarian unrest roiling Iraq.

*Kirkuk Referendum.* There is also to be a vote on a Kirkuk referendum at some point, if a negotiated settlement is reached. However, a settlement does not appear within easy reach as of early 2012 and no referendum is scheduled.

*District and Sub-District Elections.* District and sub-district elections throughout Iraq were previously slated for July 31, 2009. However, those have been delayed as well, and no date has been announced.

*Constitutional Amendments.* There could also be a vote on amendments to Iraq's 2005 constitution if and when the major factions agree to finalize the recommendations of the constitutional review commission (CRC). There has been no movement on this issue for at least three years, and no indication such a referendum will be held in the near future.

## **Sunni Insurgents: Al Qaeda in Iraq and Others**

The 2012-2013 Sunni unrest is providing “political space” for longstanding violent Sunni elements to escalate attacks on the political system. The primary targets of the Sunni insurgent groups have been pilgrims to the various Shiite shrines and holy sites in Iraq; Shiite neighborhoods and businesses; ISF personnel; government installations; and some Sunnis who are cooperating with the government. The violent elements might be seeking to reinforce the effectiveness of the peaceful protest to undermine the confidence of the ISF; to force Shiite ISF personnel out of Sunni areas; or to reignite the sectarian war that prevailed during 2006-2008. All of these motivations, in the view of the militants, could have the effect of destabilizing Maliki and his Shiite-led rule. The insurgent attacks have not accomplished these objectives, but the expansion of the unrest since April 2013 could lead to these outcomes.

The primary Sunni militant group is Al Qaeda in Iraq (AQ-I), which operates under the name of the Islamic State of Iraq (ISI). The leader of AQ-I is Abu Bakr Al Baghdadi. U.S. officials estimated in November 2011 that there might be 800-1,000 people in Al Qaeda-Iraq's network, of

which many are involved in media or finance of operations.<sup>15</sup> An antecedent of AQ-I was named by the United States as a Foreign Terrorist Organization (FTO) in March 2004 and the designation applies to AQ-I. AQ-I appears primarily focused on influencing the future of Iraq - and possibly also Syria, as discussed below - although attacks and attempted attacks in neighboring Jordan have been attributed to the group. In October 2012, Jordanian authorities disrupted an alleged plot by AQ-I to bomb multiple targets in Amman, Jordan, possibly including the U.S. Embassy there. AQ-I is extensively involved in the Syria conflict, as discussed later, but it does not appear to have close links to remaining senior Al Qaeda leaders believed mostly still in Pakistan or to Al Qaeda in the Arabian Peninsula (AQAP) in Yemen.

As examples of escalating AQ-I violence in Iraq since the U.S. withdrawal, from February 2012 until the end of that year, there were about a dozen days on which AQ-I conducted multi-city attacks that killed twenty-five or more Iraqis each of those days. On at least four of these days, multiple attacks killed more than 100 Iraqis. In July 2012, AQ-I downed a government helicopter and compelled 15 Diyala Province “*mukhtars*”—chosen community liaisons with the central government—to resign. In August 2012, AQ-I insurgents briefly captured a local government building in Haditha (Anbar Province) and raised an Al Qaeda battle flag over it.

Attacks attributed to AQ-I have become more frequent since Sunni demonstrations began in late December 2012, and have escalated further in frequency and intensity since the Hawija incident of April 23, 2013. The State Department report on international terrorism for 2012, released May 30, 2013, credits the Iraqi government with focusing its counter-terrorism efforts on AQ-I.<sup>16</sup> Yet, according to some experts, AQ-I is now able to carry out about 40 mass casualty attacks per month, much more than the ten per month of 2010, and that many AQ-I attacks now span multiple cities.<sup>17</sup> A stark indication of AQ-I’s increased freedom of action came on July 21, 2013 when the group attacked prisons at Abu Ghraib and Taji; the Taji attack failed but the attacks on Abu Ghraib freed about 800 prisoners, including several hundred purported AQ-I members. Iraq recaptured or killed about 20% of those who escaped, but the attack on the heavily fortified Abu Ghraib - involving the use of suicide attackers and conventional tactics – shook confidence in the ISF.

It is not known the extent to which Sunni oppositionists who have taken up arms against the government in April 2013 are working with AQ-I, if at all. Doing so could tarnish the image of the demonstrators. Some experts say that AQ-I is increasingly building alliances with Sunni tribal leaders and has adjusted its message in 2013 to try to win more Sunni political support. Other experts say that many Iraqi Sunni tribal leaders continue to shun AQ-I and senior Sunni Iraqi political leaders, even those most opposed to Maliki, tend to forcefully denounce AQ-I attacks.

### **Naqshabandi Order (JRTN)**

Some groups that were prominent during the insurgency against U.S. forces remain allied with AQ-I or active independently as part of the Sunni unrest. One such Sunni group, linked to ex-

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<sup>15</sup> Michael Schmidt and Eric Schmitt. “Leaving Iraq, U.S. Fears New Surge of Qaeda Terror.” *New York Times*, November 6, 2011.

<sup>16</sup> <http://www.state.gov/j/ct/rls/crt/2012/209982.htm>

<sup>17</sup> Michael Knights. “Rebuilding Iraq’s Counterterrorism Capabilities.” *Washington Institute for Near East Policy*, July 31, 2013.

Baathists, is the Naqshabandi Order, known by its Arabic acronym “JRTN.”<sup>18</sup> It is based primarily in Nineveh province. Prior to the escalation of Sunni violence in 2013, the JRTN was responsible primarily for attacks on U.S. facilities in northern Iraq, which might have contributed to the State Department decision in mid-2012 to close the Kirkuk consulate. The faction has supported the Sunni demonstrations, and in February 2013 Sunnis linked to the JRTN circulated praise for the protests from the highest ranking Saddam regime figure still at large, Izzat Ibrahim al Duri. Other rebels are said to be linked to longstanding insurgent groups such as the 1920 Revolution Brigades or the Islamic Army of Iraq.

### **Other Armed Sunni Groups: Sons of Iraq Fighters**

One Sunni grievance aside from those discussed above has been the slow pace with which the Maliki government implemented its pledge to fully integrate the approximately 100,000 “Sons of Iraq” fighters. Also known as “Awakening” fighters, these are former insurgents who in 2006 began cooperating with U.S. forces against AQ-I. The Iraqi government later promised them integration into the Iraqi Security Forces (ISF) or government jobs. As of early 2013, about 70,000 had been integrated into the ISF or given civilian government jobs, while 30,000-40,000 continue to man checkpoints in Sunni areas and are paid about \$300 per month by the government. In part to salve Sunni grievances and prevent the Sons of Iraq fighters from joining Sunni opposition activities, in early 2013 the government increased their salaries by about 66% to \$500 per month. There are no indications that a significant number of Sons of Iraq fighters has joined AQ-I or other Sunni insurgent groups since Sunni anti-government activities escalated.

### **KRG-Central Government Disputes<sup>19</sup>**

Since the end of the U.S.-led war to liberate Kuwait in early 1991, the United States has played a role in protecting Iraq’s Kurds from the central government. Iraq’s Kurds have tried to preserve this “special relationship” with the United States and use it to their advantage. Iraq’s Kurdish leaders have long said they do not seek outright independence or affiliation with Kurds in neighboring countries, but rather to secure and expand the autonomy they have achieved. The issues dividing the KRG and Baghdad include not only KRG autonomy but also disputes over territory and resources, particularly the ability of the KRG to export its oil.

The Iraqi Kurds themselves are not cohesive, divided principally between two main factions—the Patriotic Union of Kurdistan, PUK, and the Kurdistan Democratic Party, KDP. The two have strengthened their bargaining position with Baghdad by abiding by a power sharing arrangement formalized in 2007. The KRG has a President, Masoud Barzani, directly elected in July 2009, an elected Kurdistan National Assembly, and an appointed Prime Minister. Since January 2012, the KRG Prime Minister has been Nechirvan Barzani (Masoud’s nephew), who returned to that post after three years in which the post was held by PUK senior figure Barham Salih. PUK leader Jalal Talabani, as noted above, serves as president of Iraq. Masoud Barzani’s son, Suroor, heads a KRG “national security council.”

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<sup>18</sup> The acronym stands for Jaysh al-Rijal al-Tariq al-Naqshabandi, which translated means Army of the Men of the Naqshabandi Order.

<sup>19</sup> For more information on Kurd-Baghdad disputes, see CRS Report RS22079, *The Kurds in Post-Saddam Iraq*, by Kenneth Katzman.

The Kurds also—as permitted in the Iraqi constitution—field their own force of *peshmerga* (Kurdish militiamen) numbering perhaps 75,000 fighters. They are generally lightly armed. Kurdish leaders continue to criticize Maliki for paying out of the national budget only about half of the total *peshmerga* force—those who are incorporated into “regional guard brigades” under the control of the KRG’s Ministry of Peshmerga Affairs. However, about half are not incorporated into this structure and therefore are funded out of the KRG budget. KRG President Barzani, during his U.S. visit in April 2012, discussed the reform of the *peshmerga* into a smaller but more professional and well trained force.

The increasing disillusionment of Kurdish leaders with Maliki could produce lasting political realignment. During 2012, Kurdish leaders echoed the Sunni Arab criticisms of Maliki. KRG President Barzani began to break with Maliki in March 2012, accusing him of monopolizing power. Following a visit to Washington, DC, in early April 2012, Barzani indirectly threatened to allow a vote on Kurdish independence unless Maliki resolves the major issues with the KRG.<sup>20</sup> In June 2012, the Kurds in the COR joined the Iraqiyya-led effort to vote no confidence against Maliki. The animosity has continued in 2013 but the Kurdish leadership and Maliki have continued to engage and exchange views and visits, calming tensions to some extent.

Still, forces of the two political entities face each other. In late 2012, KRG-Baghdad animosity nearly produced all-out conflict between the KRG and Baghdad. In mid-November 2012, a commercial dispute between an Arab and Kurd in Tuz Khurmatu, a town in Salahuddin Province straddling the Baghdad-KRG territorial border, caused a clash and a buildup of ISF and Kurdish troops facing off. Several weeks of U.S. and intra-Iraq mediation resulted in a tentative agreement on December 6, 2012, for both sides to pull back their forces and for local ethnic groups to form units to replace ISF and *peshmerga* units along the Baghdad-KRG frontier. The agreement was only partially implemented. In May 2013, it was reported that *peshmerga* forces had advanced their positions in Kirkuk province, taking advantage of the withdrawal of the ISF from areas of Sunni demonstrations. In June 2013, a mixed Arab-Kurdish unit of the ISF—“Brigade 16”—split and the KRG assumed de-facto control of the territory controlled by the Kurdish half of the brigade.

The continued clashes and frontier tensions could be attributed, in part, to the end of the “combined security mechanism” (CSM) set up by the United States when its troops were in Iraq. The CSM began in January 2010, consisting of joint (ISF-U.S.-Kurdish) patrols, maintenance of 22 checkpoints, and U.S. training of participating ISF and *peshmerga* forces. The mechanism was administered through provincial level Combined Coordination Centers, and disagreements were referred to a Senior Working Group and a High Level Ministerial Committee.<sup>21</sup>

The KRG-*peshmerga* clashes have been spurred in part by the lack of any progress in recent years in resolving the various territorial disputes between the Kurds and Iraq’s Arabs. The most emotional of which is the Kurdish insistence that Tamim Province (which includes oil-rich Kirkuk) is “Kurdish land” and must be formally affiliated to the KRG. There was to be a census and referendum on the affiliation of the province by December 31, 2007, in accordance with Article 140 of the Constitution, but the Kurds have agreed to repeated delays in order to avoid jeopardizing overall progress in Iraq. Nor has the national census that is pivotal to any such referendum been conducted; it was scheduled for October 24, 2010, but then postponed. It still

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<sup>20</sup> Interview with Masoud Barzani by Hayder al-Khoie on Al-Hurra television network. April 6, 2012.

<sup>21</sup> “Managing Arab-Kurd Tensions in Northern Iraq After the Withdrawal of U.S. Troops.” Rand Corporation, 2011.



has not begun, in part because of the broader political crisis as well as differences over how to account for movements of populations into or out of the Kurdish controlled provinces.

On the other hand, some KRG-Baghdad disputes have moved forward. The Property Claims Commission that is adjudicating claims from the Saddam regime's forced resettlement of Arabs into the KRG region is functioning. Of the 178,000 claims received, nearly 26,000 were approved and 90,000 rejected or ruled invalid, as of the end of 2011, according to the State Department. Since 2003, more than 28,000 Iraqi Arabs settled in the KRG area by Saddam have relocated from Kirkuk back to their original provinces.

Attempting to resolve these disputes has been part of the work of UNAMI, which has been consultations with all parties for several years.<sup>22</sup> The mandate of UNAMI—which is also to facilitate national reconciliation and civil society, and assisting vulnerable populations—was established in 2003 and has been renewed every year since. U.N. Security Council Resolution 2061 of July 25, 2012, renewed the mandate for another year (until July 24, 2013).

## **KRG Oil Exports**

The KRG and Baghdad are still at odds over the Kurds' insistence that it export oil that is discovered and extracted in the KRG region. Baghdad reportedly fears that Kurdish oil exports can potentially enable the Kurds to set up an economically viable independent state and has called the KRG's separate energy development deals with international firms "illegal." It nonetheless has allowed KRG oil exports to proceed under a long-standing agreement in which revenues from KRG oil exports go into central government accounts. The central government distributes proceeds to the KRG and pays the international oil companies working in the KRG.

Oil exports from the KRG have been repeatedly suspended, for varying periods of time, over central government withholding of payments to the international energy firms. A suspension of oil exports through the national oil grid began in April 2012 after the KRG accused Baghdad of falling \$1.5 billion in arrears to the companies extracting oil in the KRG region. The dispute escalated in July 2012 when the KRG began exporting crude oil by road to Turkey but was defused temporarily and KRG exports through the national grid resumed on August 9, 2012. The KRG threatened another halt by September 15, 2012 if the international companies were not paid, but this was calmed by a September 14, 2012 agreement providing for the Kurds to raise exports to 250,000 barrels per day for 2013 (from the 2012 level of less than 200,000 barrels per day) and for Baghdad to pay about \$900 million in arrears due the international firms. The agreement held for several months, but the KRG reduced its oil exports in late November 2012 because of slow Baghdad payments to the oil firms involved. KRG oil exports ceased again entirely on December 26, 2012. The national budget adopted by the COR on March 7, 2013 allocated only \$650 million to the companies exporting KRG oil; the Kurds had sought \$3.5 billion for that purpose. Because of this provision, Kurdish members reportedly boycotted the budget vote and Kurdish ministers temporarily ceased working in Baghdad. KRG oil flow resumed in 2013 but remains vulnerable to a cutoff if political tensions flare again. If these issues were to be permanently resolved, the KRG has the potential to increase exports to 1 million barrels per day by 2019.<sup>23</sup>

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<sup>22</sup> Meeting with congressional staff, February 24, 2011.

<sup>23</sup> Jane Arraf. "Iraq's Unity Tested by Rising Tensions Over Oil-Rich Kurdish Region." *Christian Science Monitor*, May 4, 2012.

Related to the disputes over KRG oil exports is a broader disagreement over foreign firm involvement in the KRG energy sector. The October 2011 KRG signing of an energy development deal with U.S. energy giant Exxon-Mobil represents a further dimension of the energy row with Baghdad. The central government denounced the deal as illegal, in part because the oil fields involved are in or very close to disputed territories. The KRG has sought to defuse this consideration by saying that if the territory of the oil fields is subsequently judged to be part of central government-administered territory, then the revenues would be reallocated accordingly. The central government threatened to cancel the firm's existing contract to develop the West Qurna oil field near Basra, but decided instead on February 13, 2012 to prevent Exxon Mobil from bidding for new work in Baghdad-controlled Iraq. On March 17, 2012, Baghdad claimed that Exxon-Mobil had frozen the KRG contract, but the KRG denies the company has stopped work in the KRG region, and Exxon began production in the KRG in late 2012.<sup>24</sup> Further disputes occurred over a July 2012 KRG deal with Total SA of France; in August 2012 the central government told Total SA to either terminate its arrangement with the KRG or give up work on the central government Halfaya field.

### ***Turkish Involvement***

The growing relationship between Turkey and the KRG energy sector adds tension to the KRG-Baghdad relationship, and causes strains between Turkey and Baghdad. The KRG and Turkey are reportedly discussing a broad energy deal that would include Turkish investment in drilling for oil and gas in the KRG-controlled territory, and they are constructing a separate oil pipeline linking KRG-controlled fields to a pumping station on the Turkish side of the border.<sup>25</sup> That latter pipeline, said by energy experts to be near completion, would reduce the KRG dependence on the national oil export grid—the key source of Baghdad's leverage over the KRG. Calling the potential deal an infringement of Iraqi sovereignty, the Iraqi government has blacklisted Turkey's state energy pipeline firm (TPAO) from some work in southern Iraq. In December 2012, Iraq turned back a plane carrying Turkey's energy minister to a conference in the KRG capital of Erbil. However, Turkey and the KRG continue to negotiate to finalize the large deal.

The Obama Administration opposes the separate KRG-Turkey pipeline deal, as currently structured, on the grounds that all major international energy projects involving Iraq should be negotiated and implemented through a unified central government in Baghdad. A high-level KRG delegation visited Washington D.C. in April 2013 urging the Administration not to side with the Maliki government in opposing the Turkey-KRG pipeline.

### ***Intra-Kurdish Divisions***

Further complicating the political landscape are divisions within the Kurdish community. The KRG National Assembly elections, conducted concurrently with the March 2010 national elections throughout Iraq, to some extent, shuffled the political landscape. A breakaway faction of President Talabani's PUK, called "Change" ("Gorran"), headed by Neshirvan Mustafa, won an unexpectedly high 25 seats (out of 111) in the Kurdistan national assembly, embarrassing the PUK and weakening it relative to the KDP. Gorran ran its own list in the March 2010 national elections to the COR and constituted a significant challenge to the Kurdistan Alliance in

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<sup>24</sup> Iraq Oil Report. Exxon to Start Drilling in Disputed Kurdish Blocks. October 18, 2012.

<sup>25</sup> International Crisis Group. "Iraq and the Kurds: The High-Stakes Hydrocarbons Gambit." April 19, 2012.

Sulaymaniyah Province, according to election results. As a result, of the 57 COR seats held by Kurds, 14 are held by parties other than the Kurdistan Alliance. Gorran has 8, the Kurdistan Islamic Union has 4, and the Islamic Group of Kurdistan has 2.

These divisions may also have played a role in the popular demonstrations that occurred in Sulaymaniyah in early 2011. The demonstrations reflected frustration over jobs and services but possibly also over the monopolization of power in the KRG by the Barzani and Talabani clans. Some of these were suppressed by *peshmerga*.

More recently, the infirmity of Iraq's President and PUK leader Jalal Talabani has affected Kurdish politics. Barham Salih, mentioned above, is said to be pressing to replace Talabani as president, in part because the Kurds do not want someone of another ethnicity to become president. Another PUK stalwart, Kosrat Rasoul, who serves as KRG Vice President, is said to be lining up support to succeed Talabani as PUK leader should Talabani leave the scene. Talabani's son, Qubad, had headed the KRG representative office in Washington, DC, until July 2012, when he returned home to become more involved in Kurdish and PUK politics as his father's health fades. Talabani's wife, Hero Ibrahim Ahmad Talabani, is also a major figure in PUK politics and is said to be an opponent of Kosrat Rasoul—possibly to the point where she is willing to work with Gorran against him.

## **The Sadr Faction's Continuing Ambition and Agitation**

Within the broader Shiite community, the faction of Shiite cleric, Moqtada Al Sadr, sees itself as the main representative for Iraq's Shiites, particularly those who are on the lower economic echelons. The large Sadrist constituency has caused an inherent rivalry with Maliki and other Shiite leaders in Iraq. Sadr was part of an anti-Maliki Shiite coalition for the March 2010 elections, then supported Maliki for a second term, and later joined the unsuccessful effort to vote no-confidence against Maliki, only to bow to Iranian pressure to abandon that effort. Sadr has supported Sunni protests against Maliki in the late 2012-early 2013 Sunni unrest, although he has criticized protesters for using symbols of Saddam's regime.

Sadr's shifts against Maliki represent a continuation of a high level of activity he has exhibited since he returned to Iraq, from his studies in Iran, in January 2011. After his return, he gave numerous speeches that, among other themes, insisted on full implementation of a planned U.S. withdrawal by the end of 2011. Sadr's position on the U.S. withdrawal appeared so firm that, in an April 9, 2011, statement, he threatened to reactivate his Mahdi Army militia if U.S. forces remained in Iraq beyond the December 31, 2011, deadline. His followers conducted a large march in Baghdad on May 26, 2011, demanding a full U.S. military exit. The threats were pivotal to the Iraqi decision not to retain U.S. troops in Iraq beyond 2011.

## **Sadrist Offshoots and Other Shiite Militias**

Although Sadr formed what was the largest Shiite militia in post-Saddam Iraq, his efforts apparently unleashed Shiite militant forces that now compete with his movement. Several Shiite militias operate in Iraq, all of which are breakaway factions of the Mahdi Army. They operate under names including Asa'ib Ahl al-Haq (AAH, League of the Righteous), Khata'ib Hezbollah (Hezbollah Battalions), and Promised Day Brigade. (In June 2009, Khata'ib Hezbollah was named by the United States as a Foreign Terrorist Organization (FTO).) In 2009, Sadr's Mahdi

Army integrated into the political process in the form of a charity and employment network called *Mumahidoon*, or “those who pave the way.”

The U.S. exit removed the militias’ justification for armed activity and, like Sadr’s movement, the offshoot Shiite militias are increasingly moving into the political process in Iraq. The State Department report on terrorism for 2012, referenced above, says the Shiite militias are adhering to a ceasefire that went into effect upon the U.S. withdrawal in December 2011. Experts maintain that the militias have not become embroiled in sectarian conflict with Iraq’s Sunnis during 2013 despite the escalation of AQ-I and other attacks on Iraqi Shiites, although some militiamen are said to be rearming. On the other hand, Iraqi Shiite militiamen are reportedly increasingly involved in Syria fighting and protecting Shiite shrines in support of the government of Bashar Al Assad.<sup>26</sup>

The Sadrist offshoot militias were purportedly part of an effort by Iran to ensure that the United States completely withdrew from Iraq. U.S. officials accused Shiite militias of causing an elevated level of U.S. troop deaths in June 2011 (14 killed, the highest in any month in over one year). During 2011, U.S. officials accused Iran of arming these militias with upgraded rocket-propelled munitions, such as Improvised Rocket Assisted Munitions (IRAMs). U.S. officials reportedly requested that the Iraqi government prevail on Iran to stop aiding the militias, actions that subsequently, but temporarily, quieted the Shiite attacks on U.S. forces in Iraq. Until the U.S. withdrawal in December 2011, some rocket attacks continued against the U.S. consulate in Basra, which has nearly 1,000 U.S. personnel (including contractors). Reflecting a view that some in these militias might still be capable of and intend to carry out terrorist activity, on November 8, 2012, the Treasury Department designated several Khata’ib Hezbollah operatives, and their Iranian Revolutionary Guard—Qods Force mentors as terrorism supporting entities under Executive Order 13224.

AAH’s leaders have returned from Iran and opened political offices, trying to recruit loyalists, and setting up social service programs. The group, reportedly supported by Iran, did not compete in the April 20, 2013, provincial elections but does plan to run candidates in the 2014 national elections. Maliki reportedly is backing the group as a counterweight to the Sadrists.<sup>27</sup> AAH’s leader Qais al-Khazali, took refuge in Iran in 2010 after three years in U.S. custody for his alleged role in a 2005 raid that killed five American soldiers.

## **Governance and Human Rights Issues**

The continuing political crises discussed above have dashed most hopes that Iraq will become a fully functioning democracy with well-established institutions and rule of law. On the other hand, some experts assert that most Iraqis remain committed to the success of the existing governing structure and that all the outstanding disputes are soluble. Some believe that slow action on laws governing investment, taxation, and property ownership account for the slow pace of building a modern, dynamic economy, although others say the success of Iraq’s energy sector is overriding these adverse factors. On the other hand, on April 30, 2012, the COR enacted a law to facilitate elimination of trafficking in persons, both sexual and labor-related.

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<sup>26</sup> Abigail Hauslohner. “Iraqi Shiites Take Up the Cudgels for Syrian Government.” *Washington Post*, May 27, 2013.

<sup>27</sup> Liz Sly. “Iran-Tied Group Is On Rise in Iraq.” *Washington Post*, February 19, 2013.

As far as one major indicator of effective governance, the State Department human rights report for 2012, released April 19, 2013, contains substantial detail on the continuing lack of progress in curbing governmental corruption. The State Department report assesses that political interference and other factors such as tribal and family relationships regularly thwart the efforts of anti-corruption institutions, such as the Commission on Integrity (COI). A Joint Anti-Corruption Council, which reports to the cabinet, is tasked with implementing the government's 2010-2014 Anti-Corruption Strategy. Another body is the Supreme Board of Audits, which monitors the use of government funds. The COR has its own Integrity Committee that oversees the executive branch and the governmental anti-corruption bodies. And, the KRG has its own separate anti-corruption institutions, including an Office of Governance and Integrity in the KRG council of ministers. Even though anti-corruption efforts have often been derailed, the State Department report stated that, during the first ten months of 2012, over 1,100 government officials had been found guilty of misappropriation of public funds.

## **National Oil Laws and Other Pending Laws**

Adopting national oil laws has been considered key to establishing rule of law and transparency in a key sector. Substantial progress appeared near in August 2011 when both the COR and the cabinet drafted the oil laws long in the works to rationalize the energy sector and clarify the rules for foreign investors. However, there were differences in their individual versions: the version drafted by the Oil and Natural Resources Committee was presented to the full COR on August 17, 2011. The cabinet adopted its separate version on August 28, 2011; there was some expectation that the COR would take up the issue when it reconvened on September 6, 2011, after the Eid al-Fitr celebration marking the end of Ramadan. However, it was unclear which version would form the basis of final legislation and the COR postponed further COR action until at least 2012.

The September 2012 KRG-Baghdad agreement, discussed above temporarily boosted hopes for adopting the national oil laws. The KRG adopted its own oil laws in 2007 and had opposed the version adopted by the Iraqi cabinet as favoring too much centralization in the energy sector—centralization that would impinge on KRG control of its energy resources. In connection with the visit to the United States of then KRG Prime Minister Barham Salih, Kurdish representatives said on November 8, 2011, that it is likely that the oil laws would be taken up by the COR by the end of 2011.<sup>28</sup> The September 2012 KRG-Baghdad agreement included a provision to set up a six member committee to review the different versions of the oil laws under consideration and decide which version to submit to the COR for formal consideration. However, no definitive movement on this issue has been announced since.

## **Energy Sector/Economic Development**

The continuing deadlock on oil laws has not, however, prevented progress in the crucial energy sector, which provides 90% of Iraq's budget. Iraq possesses a proven 143 billion barrels of oil, and increasing exports enabled Iraq's GDP to grow by about 12% in 2012, according to the World Bank. Iraqi officials estimated in February 2013 that growth would be about 9% for 2013. After long remaining below the levels achieved prior to the ouster of Saddam Hussein, Iraq's oil exports recovered to Saddam-era levels of about 2.1 million barrels per day by March 2012. Production reached the milestone 3 million barrels per day mark in February 2012, which Iraqi

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<sup>28</sup> Author conversation with then KRG Washington, DC, representative Qubad Talabani, November 8, 2011.

leaders trumpeted as a key milestone in Iraq's recovery, and expanded further to about 3.3 million barrels per day by September 2012. It has remained at about that level since.

Iraqi leaders say they want to increase production to over 10 million barrels per day by 2017. The International Energy Agency estimates more modest but still significant gains: it sees Iraq reaching 6 mbd of production by 2020 if it attracts \$25 billion in investment per year, and potentially 8 mbd by 2035.

What is helping the Iraqi production is the involvement of foreign firms, including BP, Exxon-Mobil, Occidental, and Chinese firms. China now buys about half of Iraq's oil exports. Chinese firms such as China National Petroleum Corp. (CNPC) are major investors in several Iraq fields. U.S. firms assisted Iraq's export capacity by developing single-point mooring oil loading terminals to compensate for deterioration in Iraq's existing oil export infrastructure in Basra and Umm Qasr.

The growth of oil exports appears to be fueling a rapid expansion of the consumer sector. Press reports in 2012 have noted the development of several upscale malls and other consequences of positive economic progress. The more stable areas of Iraq, such as the Shiite south, are said to be experiencing an economic boom as they accommodate increasing numbers of Shiite pilgrims to Najaf and Karbala. Iraqi officials said in mid-February 2013 that the country now has about \$105 billion in foreign exchange reserves, and that GDP will reach \$150 billion by the end of 2013.

## **General Human Rights Issues**

The State Department human rights report for 2012, released April 19, 2013, largely repeated the previous years' criticisms of Iraq's human rights record and the attribution of deficiencies in human rights practices to the overall security situation and sectarian and factional divisions.<sup>29</sup> The State Department report cited a wide range of human rights problems committed by Iraqi government security and law enforcement personnel—as well as by KRG security institutions<sup>30</sup>—including some unlawful killings; torture and other cruel punishments; poor conditions in prison facilities; denial of fair public trials; arbitrary arrest; arbitrary interference with privacy and home; limits on freedoms of speech, assembly, and association due to sectarianism and extremist threats; lack of protection of stateless persons; wide scale governmental corruption; human trafficking; and limited exercise of labor rights. Many of these same abuses and deficiencies are alleged in reports by outside groups such as Human Rights Watch.

On the other hand, U.S. officials assert that civil society organizations are expanding in size and authority to perform formal and informal oversight of human rights in Iraq. During a visit to Iraq on June 28-30, 2013, Deputy Secretary of State William Burns awarded the 2012 "Human Rights Defender Award" to an Iraqi human rights organization, the Hammurabi Human Rights Organization.

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<sup>29</sup> <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204362#wrapper>

<sup>30</sup> One notable example in the State Department report for 2012 cites the death in April 2012 in a KRG intelligence prison of the mayor of the KRG city of Sulaymaniyah; the KRG concluded he committed suicide but the family of the mayor alleged he had been tortured to death.

## **Use of Coercive Force**

Iraq's government is the product of democratic choices. Therefore, Iraq's government has come under criticism when it has used force against peaceful demonstrators. Such criticism was leveled when 20 Iraqis were killed by security forces in the large February 25, 2011, "Day of Rage" demonstrations called by Iraqi activists. Maliki has also been criticized for the April 2013 Hawijah assault, discussed above, and for occasional subsequent use of force against demonstrators. On the other hand, visiting Foreign Minister Hoshyar Zebari said in August 2013 that the ISF has used substantial restraint, and that incidents such as the Hawijah assault have been few. Other experts say that the ISF's actions in the Hawijah and the earlier Day of Rage events have been investigated by the COR and within the government, suggesting efforts to establish accountability and instill restraint.

## **Trafficking in Persons**

The State Department's Trafficking in Persons report for 2013, released on June 19, 2013, places Iraq in "Tier 2." That was an upgrade from the Tier 2 Watch List rating for Iraq for four previous years. The upgrade was a product of the U.S. assessment that Iraq is making "significant efforts" to comply with the minimum standards for the elimination of trafficking. Previously, Iraq received a waiver from automatic downgrading to Tier 3 (which happens if a country is "watchlisted" for three straight years) because it had developed a plan to make significant efforts to meet minimum standards for the elimination of trafficking and was devoting significant resources to that plan.

## **Media and Free Expression**

While State Department and other reports attribute most of Iraq's human rights difficulties to the security situation and factional infighting, apparent curbs on free expression appear independent of such factors. One issue that troubles human rights activists is a law, passed by the COR in August 2011, called the "Journalist Rights Law." The law purports to protect journalists but left many of the provisions of Saddam-era libel and defamation laws in place. For example, the new law leaves in place imprisonment for publicly insulting the government. The State Department human rights reports have noted continuing instances of harassment and intimidation of journalists who write about corruption and the lack of government services. Much of the private media that operate is controlled by individual factions or powerful personalities. There are no overt government restrictions on access to the Internet.

In March 2012, some observers reported a setback to free expression, although instigated by militias or non-governmental groups, not the government. There were reports of 14 youths having been stoned to death by militiamen for wearing Western-style clothes and haircuts collectively known as "Emo" style. In late June 2012, the government ordered the closing of 44 new organizations that it said were operating without a license. Included in the closure list were the BBC, Voice of America, and the U.S.-funded Radio Sawa. In early 2013, the COR adopted an "Information Crimes Law" to regulate the use of information networks, computers, and other electronic devices and systems. Human Rights Watch and other human rights groups criticized

that law as “violat[ing] international standards protecting due process, freedom of speech, and freedom of association,”<sup>31</sup> and the COR revoked it February 2013.

## **Labor Rights**

A 1987 (Saddam era) labor code remains in effect, restricting many labor rights, particularly in the public sector. Although the 2005 constitution provides for the right to strike and form unions, the labor code virtually rules out independent union activity. Unions have no legal power to negotiate with employers or protect workers’ rights through collective bargaining.

## **Religious Freedom/Situation of Religious Minorities**

The Iraqi constitution provides for religious freedom and the government generally respected religious freedom, according to the State Department’s report on International Religious Freedom for 2012, released May 20, 2013.<sup>32</sup> However, reflecting the conservative Islamic attitudes of many Iraqis, Shiite and Sunni clerics seek to enforce aspects of Islamic law and customs, sometimes coming into conflict with Iraq’s generally secular traditions as well as constitutional protections. On September 13, 2012, hundreds—presumably Shiites—took to the streets in predominantly Shiite Sadr City to protest the “Innocence of Muslims” video that was produced in the United States and set off protests throughout the Middle East in September 2012.

Concerns about religious freedom in Iraq tends to center on government treatment of religious minorities—an issue discussed extensively in the State Department International Religious Freedom report. A major concern is the safety and security of Iraq’s Christian and other religious minority populations which are concentrated in northern Iraq as well as in Baghdad. These other groups include most notably the Yazidis, which number about 500,000-700,000; the Shabaks, which number about 200,000-500,000; the Sabeans, who number about 4,000; the Baha’i’s that number about 2,000; and the Kakai’s of Kirkuk, which number about 24,000. Since the 2003 U.S. intervention, more than half of the 1 million-1.5 million Christian population that was there during Saddam’s time have left. Recent estimates indicate that the Christian population of Iraq is between 400,000 and 850,000.

Violent attacks on members of the Christian community have tended to occur in waves. About 10,000 Christians in northern Iraq, fearing bombings and intimidation, fled the areas near Kirkuk during October-December 2009. On October 31, 2010, a major attack on Christians occurred when a church in Baghdad (Sayidat al-Najat Church) was besieged by militants and as many as 60 worshippers were killed. Partly as a result, Christian celebrations of Christmas 2010 were said to be subdued—following three years in which Christians had felt confident enough to celebrate that holiday openly. Several other attacks appearing to target Iraqi Christians have taken place since. Some Iraqi Christians blame the various attacks on them on Al Qaeda in Iraq, which is still somewhat strong in Nineveh Province and which associates Christians with the United States. Some human rights groups allege that it is the Kurds who are committing abuses against Christians and other minorities in the Nineveh Plains, close to the KRG-controlled region. Kurdish leaders deny the allegations.

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<sup>31</sup> Human Rights Watch. “Iraq’s Information Crimes Law: Badly Written Provisions and Draconian Punishments Violate due Process and Free Speech.” July 12, 2012.

<sup>32</sup> <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2012&dliid=208390#wrapper>



Some Iraqi Christian groups advocate a “Nineveh Plains Province Solution,” in which the Nineveh Plains would be turned into a self-administering region, possibly its own province but affiliated or under KRG control. Supporters of the idea claim such a zone would pose no threat to the integrity of Iraq, but others say the plan’s inclusion of a separate Christian security force could set the scene for violence and confrontation. Even at the height of the U.S. military presence in Iraq, U.S. forces did not specifically protect Christian sites at all times, partly because Christian leaders do not want to appear closely allied with the United States. The State Dept. religious freedom report for 2011 said that during 2011, U.S. Embassy Baghdad designated a “special coordinator” to oversee U.S. funding, program implementation, and advocacy to address minority concerns.

*Funding Issues.* The FY2008 consolidated appropriation earmarked \$10 million in ESF from previous appropriations to assist the Nineveh Plain Christians. A supplemental appropriation for 2008 and 2009 (P.L. 110-252) earmarked another \$10 million for this purpose. The Consolidated Appropriations Act of 2010 (P.L. 111-117) made a similar provision for FY2010, although focused on Middle East minorities generally and without a specific dollar figure mandated for Iraqi Christians. The State Dept. International Religious Freedom report for 2012 said that the United States has funded more than \$73 million for projects to support minority communities in Iraq.

## **Women’s Rights**

Iraq has a tradition of secularism and liberalism, and women’s rights issues have not been as large a concern for international observers and rights groups as they have in Afghanistan or the Persian Gulf states, for example. Women serve at many levels of government, as discussed above, and are well integrated into the work force in all types of jobs and professions. By tradition, many Iraqi women wear traditional coverings but many adopt Western dress. On October 6, 2011, the COR passed legislation to lift Iraq’s reservation to Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women.

## **Executions**

The death penalty is legal in Iraq. In June 2012, Amnesty International condemned the “alarming” increase in executions, which had by then put 70 persons to death. U.N. High Commissioner for Human Rights Navi Pillay also expressed shock in 2012 over the high number of executions in Iraq. On August 28, 2012, the government executed 21 people, including three women, convicted of terrorism-related charges.

## **Mass Graves**

As is noted in the State Department report on human rights for 2012, the Iraqi government continues to uncover mass graves of Iraqi victims of the Saddam regime. This effort is under the authority of the Human Rights Ministry. The largest to date was a mass grave in Mahawil, near Hilla, that contained 3,000 bodies; the grave was discovered in 2003, shortly after the fall of the regime. In July 2012, a mass grave was discovered near Najaf, containing the bodies of about 500 Iraqi Shiites killed during the 1991 uprising against Saddam Hussein. Excavations of mass graves in Wasit and Dhi Qar provinces began in April and May 2013, respectively.

## Regional Dimension

Iraq's neighbors, as well as the United States, have high interest in Iraq's stability and its friendship. Iraq's post-Saddam Shiite leadership has affinity for Iran, which supported them in years of struggle against Saddam. Yet, Iraq also seeks to reintegrate into the Arab fold—of which Iran is not a part—after more than 20 years of ostracism following Iraq's invasion of Kuwait in August 1990. That motive mitigates, to some extent, Iranian influence in Iraq because the Arab world is primarily composed of Sunni Muslims and much of the Arab world is at odds with Iran.

Iraq's reintegration into the Arab fold took a large step forward with the holding of an Arab League summit in Baghdad during March 27-29, 2012. Iraq hailed the gathering as a success primarily because of the absence of major security incidents during the gathering. However, only nine heads of state out of the 22 Arab League members attended, of which only one was a Persian Gulf leader (Amir Sabah al-Ahmad Al Sabah of Kuwait). Building on that success, and on its relations with both the United States and Iran, on May 23-24, 2012, Iraq hosted nuclear talks between Iran and six negotiating powers (United States, Britain, France, Germany, Russia, and China).

Iraq is also sufficiently confident to begin offering assistance to other emerging Arab democracies. Utilizing its base of expertise in chemical weaponry during the Saddam Hussein regime, Iraq has provided some technical assistance to the post-Qadhafi authorities in Libya to help them clean up chemical weapons stockpiles built up by the Qadhafi regime. It donated \$100,000 and provided advisers to support elections in Tunisia after its 2011 revolution.<sup>33</sup>

## Iran

The United States remains at odds with Iran and seeks to limit Iran's influence over Iraq, even though many assert that it was U.S. policy that brought to power Iraqi Shiites long linked to Iran. Some argue that the withdrawal of all U.S. troops from Iraq represented a success for Iranian strategy and that Iranian influence in Iraq is preponderant. Some assess that evidence of Iranian influence can be seen in Iraq's refusal to join U.S. and allied efforts to achieve a transition from the rule of President Bashar Al Assad in Syria.

Prime Minister Maliki has tried to calm fears that Iran exercises undue influence over Iraq, stressing that Iraqi nationalism resists Iranian influence. On Syria, Iraqi leaders stress that Iraq is neutral in the Syrian conflict – differing clearly from Iran's position which is to openly support the Assad regime. During his visit to the United States in mid-August 2013, Foreign Minister Zebari repeated assertions by other Iraqi leaders that Iraq could serve as a bridge to help the United States and Iran rebuild relations, following the accession of relatively moderate Iranian president Hassan Rouhani in early August 2013. Experts also note lingering distrust of Iran from the 1980-1988 Iran-Iraq war, in which an estimated 300,000 Iraqi military personnel (Shiite and Sunni) died. In a December 5, 2011, op-ed in the *Washington Post*, entitled "Building a Stable Iraq," Maliki wrote:

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<sup>33</sup> Tim Arango. "Iraq Election Official's Arrest Casts Doubt on Prospects for Fair Voting." *New York Times*, April 17, 2012.

Iraq is a sovereign country. Our foreign policy is rooted in the fact that we do not interfere in the affairs of other countries; accordingly, we oppose foreign interference in Iraqi affairs.

Defense and security ties between Iran and Iraq have been discussed but little has materialized. In an interview with CNN broadcast on October 23, 2011, Iran's then President Mahmoud Ahmadinejad said Iran planned a closer security relationship with Iraqi forces after U.S. troops depart. After the U.S. withdrawal was completed December 18, 2011, Iran welcomed closer defense ties to Iraq, including training Iraqi forces, although no such training has been reported.

Iraq's Shiite clerics also resist Iranian interference and take pride in Najaf as a more prominent center of Shiite theology and history than is the Iranian holy city of Qom. In late 2011, representatives of Ayatollah Mahmud Shahrudi, an Iraqi cleric long resident in Iraq, opened offices in Najaf, Iraq. This was widely seen as an effort to promote Shahrudi as a possible successor as *marja taqlid* ("source of inspiration,"—the most senior Shiite cleric) to the increasingly frail Grand Ayatollah Ali al-Sistani. During an April 22-23, 2012, visit to Iran, Maliki met with Shahrudi, in addition to meeting senior Iranian figures. Outgoing president Ahmadinejad made his second visit as president to Iraq during July 17-18, 2013, reportedly visiting Shiite holy sites in addition to meeting with Iraqi leaders.

There are indications the Shiite-led government of Iraq has sought to shield pro-Iranian militants who committed past acts of violence against U.S. forces. In May 2012, Iraqi courts acquitted and Iraq released from prison a purported Hezbollah commander, Ali Musa Daqduq, although he subsequently remained under house arrest. He had been in U.S. custody for alleged activities against U.S. forces but, under the U.S.-Iraq Security Agreement (discussed below) he was transferred to Iraqi custody in December 2011. In July 2012, U.S. officials asked Iraqi leaders to review the Daqduq case or extradite him to the United States, but Iraq released him in November 2012 and he returned to Lebanon, despite U.S. efforts to persuade Iraq to keep him there.

Still others see Iranian influence as less political than economic, raising questions about whether Iran is using Iraq to try to avoid the effects of international sanctions. Some reports say Iraq is enabling Iran's efforts by allowing it to interact with Iraq's energy sector and its banking system. In July 2012, the Treasury Department imposed sanctions on the Elaf Islamic Bank of Iraq for allegedly conducting financial transactions with the Iranian banking system that violated the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA, P.L. 111-195). Those sanctions were lifted in May 2013 when Elaf reduced its involvement in Iran's financial sector. Iraq also is at least indirectly assisting U.S. policy toward Iran by supplying oil customers who, in cooperation with U.S. sanctions against Iran, are cutting back buys of oil from Iran. Iran's exports to Iraq reached about \$10 billion from March 2012-March 2013, a large increase from the \$7 billion in exports in the prior one year.

### **Iranian Opposition: People's Mojahedin/Camp Ashraf and PJAK**

The Iraqi government treatment of the population of Camp Ashraf, a camp in which over 3,500 Iranian oppositionists (People's Mojahedin Organization of Iran, PMOI) have resided, is an indicator of the government's close ties to Iran. The residents of the camp accuse the government of repression and of scheming to expel the residents or extradite them to Iran, where they might face prosecution or death. An Iraqi military redeployment at the camp on April 8, 2011, resulted in major violence against camp residents in which 36 of them were killed.

In November 2011, Maliki insisted that camp will close at the end of 2011, and the U.N. High Commissioner for Refugees, the European Union, and other organizations worked to broker a solution that avoids violence or forcible expulsion. In late December 2011 Maliki signed an agreement with the United Nations on December 26, 2011, to relocate the population to former U.S. military base Camp Liberty. The PMOI eventually accepted the agreement and completed the relocation. The relocation was a major factor in the U.S. decision, formalized on September 28, 2012, to take the PMOI off the U.S. list of Foreign Terrorist Organizations. Still, the PMOI alleges that Iraq is denying some services to the residents of Camp Liberty and that these residents are suffering in the conditions there. The group blamed pro-Iranian militias, particularly Khata'ib Hezbollah, discussed above, for a mortar attack on Camp Liberty on February 16, 2013, that killed six PMOI residents of the camp. Each resident is being evaluated by the U.N. High Commissioner for Refugees for the potential for relocation outside Iraq, and a tentative plan to relocate a sizeable number of Liberty residents to Albania remains under discussion. This issue is discussed in substantially greater detail in CRS Report RL32048, *Iran: U.S. Concerns and Policy Responses*, by Kenneth Katzman.

Iran has periodically acted against other Iranian opposition groups based in Iraq. The Free Life Party (PJAK) consists of Iranian Kurds, and it is allied with the Kurdistan Workers' Party that opposes the government of Turkey. Iran has shelled purported camps of the group on several occasions. Iran is also reportedly attempting to pressure the bases and offices in Iraq of such Iranian Kurdish parties as the Kurdistan Democratic Party of Iran (KDP-I) and Komaleh.

## Syria

One of the major disagreements between the United States and Iraq is on the issue of Syria. U.S. policy is to achieve the ouster of President Bashar Al Assad. Maliki's government, as noted above, stresses official "neutrality," but it is said to perceive that a post-Assad Syria would be dominated by Sunni Arabs who will align with other Sunni powers. Maliki and his close associates reportedly see the armed rebellion in Syria as aggravating the political unrest in Iraq by emboldening Iraqi Sunnis to Assad of Syria to escalate armed activities against the Maliki government.

Iraq has refrained from sharp criticism of Assad for using military force against protests and Iraq abstained on an Arab League vote in November 2011 to suspend Syria's membership. (Yemen and Lebanon were the only two "no" votes.) Perhaps to ensure Arab participation at the March 2012 Arab League summit in Baghdad, Iraq voted for a January 22, 2012, Arab League plan for a transition of power in Syria. As an indication of Iraq's policy of simultaneously engaging with the United States on the Syria issue, Foreign Minister Hoshyar Zebari has attended U.S.-led meetings of countries that are seeking Assad's ouster.

An issue that has divided Iraq and the United States since August 2012 has been Iraq's reported permission for Iranian arms supplies to overfly Iraq en route to Syria.<sup>34</sup> Iraq has searched a few of these flights, particularly after specific high-level U.S. requests to do so, but it has routinely allowed the aircraft to proceed after finding no arms aboard, sometimes because the Iranian aircraft had already dropped off their cargo in Syria. Instituting regular inspections of these flights was a major focus of the March 24, 2013, visit of Secretary of State Kerry to Baghdad, but the

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<sup>34</sup> Kristina Wong, "Iraq Resists U.S. Prod, Lets Iran Fly Arms to Syria." *Washington Times*, March 16, 2012.

Iraqi leadership - perhaps in an effort to speed up U.S. arms deliveries - has argued that Iraq lacks the air defense and aircraft to interdict the Iranian flights. n anything other than humanitarian goods. The March 2013 Secretary Kerry visit reportedly resulted in an agreement for the United States to provide Iraq with information on the likely contents of the Iranian flights in an effort to prompt Iraqi reconsideration of its position.

As further indication of Maliki's support for Assad, on February 20, 2013, the Iraqi cabinet approved construction on a natural gas pipeline that will traverse Iraq and deliver Iranian gas to Syria. The project is potentially sanctionable under the Iran Sanctions Act that provides for U.S. penalties on projects of over \$20 million that help Iran develop its energy sector, including natural gas.

Aside from official Iraqi policy, the unrest in Syria has generated a scramble among Iraqi factions to affect the outcome there. In addition to becoming emboldened by the Syria rebellion, AQ-I members—who are active in the Iraqi regions that border Syria—have reportedly entered Syria to help the mostly Sunni opposition to President Assad.<sup>35</sup> On March 4, 2013, suspected AQ-I members killed 48 Syrian military personnel, and their Iraqi military escorts; the Syrians had fled a battle on the border into Iraq and were ambushed while being transported south within Iraq pending repatriation to Syria. On December 11, 2012, the United States designated a Syrian jihadist rebel group, the Al Nusra Front, as a Foreign Terrorist Organization (FTO), asserting that it is an alias of AQ-I. The leader of AQ-I, Al Baghdadi, largely confirmed the U.S. assertion on April 11, 2013, by issuing a statement that “Al Nusra Front is but an extension of the Islamic State of Iraq [the name AQ-I operates under in Iraq].” AQ-I's ambitions for a larger role in the Syria rebellion has prompted some tensions with the Syrian affiliates of Al Qaeda; Al Baghdadi reportedly has relocated to Syria to support a more active AQ-I role there. In part because of the Iraq-Syria Al Qaeda tensions, in mid-2013 AQ-I adopted yet another name, Al Qaeda for Iraq and the Levant, to assert its role in the Syria conflict.

At the same time, as noted above, there have been numerous reports that Iraqi Shiite militiamen—who generally operate far from the border with Syria—have gone to Syria to fight on behalf of the Assad regime. The Iraqi government has sought, with minimal success - or perhaps lack of effort - to prevent these fighters from going there.

The KRG appears to be assisting the Syrian Kurds, who joined the revolt against Assad in July 2012. KRG President Barzani has hosted several meetings of Syrian Kurds to promote unity and a common strategy among them, and the KRG reportedly has been training Syrian Kurdish militia forces to prepare them to secure an autonomous Kurdish area if and when Assad falls. On November 6, 2012, Barzani warned the two major Syrian Kurdish factions—the Democratic Union Party (PYD) and the Kurdish National Council—to avoid discord after the two had been clashing inside Syria. In August 2013, in response to fighting between the Syrian Kurds and Syrian Islamist rebel factions, Barzani threatened to deploy KRG peshmerga to help the Syrian Kurds. The threat was later tempered to the sending of KRG envoys to Syria to investigate the fighting, and no Iraqi pershmerga have been sent to Syria, to date.

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<sup>35</sup> Sahar Issa. “Iraq Violence Dips Amid Rise in Syria.” *Philadelphia Inquirer*, February 21, 2012.

## Turkey

Turkey's concerns have historically focused mostly on the Kurdish north of Iraq, which borders Turkey, and some of those issues have been discussed in the section on the KRG/Kurds. Turkey has historically been viewed as concerned about the Iraqi Kurdish insistence on autonomy and Iraqi Kurds' ethnically based sympathies for Kurdish oppositionists in Turkey. The anti-Turkey Kurdistan Workers' Party (PKK) has long maintained camps inside Iraq, along the border with Turkey. Turkey continues to conduct periodic bombardments and other military operations against the PKK encampments in Iraq. For example, in October 2011, Turkey sent ground troops into northern Iraq to attack PKK bases following the killing of 24 Turkish soldiers by the PKK. However, suggesting that it has built a pragmatic relationship with the KRG, Turkey has emerged as the largest outside investor in northern Iraq and is building an increasingly close political relationship with the KRG as well, as discussed above.

As Turkey's relations with the KRG have deepened, relations between Turkey and the Iraqi government have worsened. Turkey's provision of refuge for Vice President Tariq al-Hashimi has been a source of tension; Maliki unsuccessfully sought his extradition for trial. On August 2, 2012, Turkish Foreign Minister Ahmet Davutoglu visited the disputed city of Kirkuk, prompting a rebuke from Iraq's Foreign Ministry that the visit constituted inappropriate interference in Iraqi affairs. And, tensions have been aggravated by their differing positions on Syria: Turkey is a prime backer of the mostly Sunni rebels there whereas Baghdad is leaning toward the pro-Assad position. And, as noted, Baghdad has sought to block an expansion of Turkey's energy relations with the KRG.

## Gulf States

Iraq has reduced tensions with several of the Sunni-led Persian Gulf states who have not fully accommodated themselves to the fact that Iraq is now dominated by Shiite factions. All of the Gulf states were represented at the March 27-29, 2012 Arab League summit in Baghdad summit but Amir Sabah of Kuwait was the only Gulf head of state to attend. Qatar sent a very low-level delegation which it said openly was meant as a protest against the Iraqi government's treatment of Sunni Arab factions.

Saudi Arabia had been widely criticized by Iraqi leaders because it has not opened an embassy in Baghdad, a move Saudi Arabia pledged in 2008 and which the United States has long urged. This issue was mitigated on February 20, 2012, when Saudi Arabia announced that it had named its ambassador to Jordan, Fahd al-Zaid, to serve as a non-resident ambassador to Iraq concurrently. However, it did not announce the opening of an embassy in Baghdad. The Saudi move came after a visit by Iraqi national security officials to Saudi Arabia to discuss greater cooperation on counterterrorism and the fate of about 400 Arab prisoners in Iraqi jails. The other Gulf countries have opened embassies and all except the UAE have appointed full ambassadors to Iraq.

The government of Bahrain, which is mostly Sunni, also fears that Iraq might work to empower Shiite oppositionists who have demonstrated for a constitutional monarchy during 2011. Ayatollah Sistani is revered by many Bahraini Shiites, and Iraqi Shiites have demonstrated in solidarity with the Bahraini opposition, but there is no evidence that Iraq has had any direct role in the Bahrain unrest.

## **Kuwait**

The relationship with Kuwait has always been considered difficult to resolve because of the legacy of the 1990 Iraqi invasion. However, greater acceptance of the Iraqi government was demonstrated by the visit of Kuwait's then prime minister to Iraq on January 12, 2011. Maliki subsequently visited Kuwait on February 16, 2011, and, as noted above, the Amir of Kuwait attended the Arab League summit in Baghdad in March 2012. The Prime Minister of Kuwait visited in mid-June 2013, which led to an agreement to remove the outstanding issues of Kuwaiti persons and property missing from the Iraqi invasion from U.N. Security Council (Chapter VII) supervision to oversight by UNAMI under Chapter VI of the U.N. Charter. This transition was implemented by U.N. Security Council Resolution 2107 of June 27, 2013. The two countries have also resolved the outstanding issues of maintenance of border demarcation.

The resolution of these issues follows the U.N. Security Council passage on December 15, 2010 of Resolutions 1956, 1957, and 1958. These resolutions had the net effect of lifting most Saddam-era sanctions on Iraq, although the U.N.-run reparations payments process remains intact (and deducts 5% from Iraq's total oil revenues). As of the end of December 2012, a U.N. Compensation Commission set up under Security Council Resolution 687 has paid \$38.8 billion to claimants from the 1990-91 Iraqi occupation of Kuwait, with an outstanding balance of \$13.6 billion to be paid by April 2015. These issues are discussed in detail in: CRS Report RS21513, *Kuwait: Security, Reform, and U.S. Policy*, by Kenneth Katzman

## **U.S. Military Withdrawal and Post-2011 Policy**

A complete U.S. military withdrawal from Iraq by the end of 2011 was a stipulation of the November 2008 U.S.-Iraq Security Agreement (SA), which took effect on January 1, 2009. Following the SA's entry into force, President Obama, on February 27, 2009, outlined a U.S. troop drawdown plan that provided for a drawdown of U.S. combat brigades by the end of August 2010, with a residual force of 50,000 primarily for training the Iraq Security Forces, to remain until the end of 2011. An interim benchmark in the SA was the June 30, 2009, withdrawal of U.S. combat troops from Iraq's cities. These withdrawal deadlines were strictly adhered to.

## **Question of Whether U.S. Forces Would Remain Beyond 2011**

During 2011, with the deadline for a complete U.S. withdrawal approaching, continuing high-profile attacks, fears of expanded Iranian influence, and perceived deficiencies in Iraq's nearly 800,000 member security forces caused U.S. officials to seek to revise the SA to keep some U.S. troops in Iraq after 2011. Some U.S. experts feared the rifts among major ethnic and sectarian communities were still wide enough that Iraq could still become a "failed state" unless some U.S. troops remained. U.S. officials emphasized that the ongoing ISF weaknesses centered on lack of ability to defend Iraq's airspace and borders. Iraqi comments, such as an October 30, 2011, statement by Iraqi Army Chief of Staff Lieutenant General Babaker Zebari that Iraq would be unable to execute full external defense until 2020-2024, reinforced those who asserted that a U.S. force presence was still needed.<sup>36</sup> Renegotiating the SA to allow for a continued U.S. troop presence required discussions with the Iraqi government and a ratification vote of the Iraqi COR.

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<sup>36</sup> "Iraq General Says Forces Not Ready 'Until 2020.'" Agence France Presse, October 30, 2011.

Several high-level U.S. visits and statements urged the Iraqis to consider extending the U.S. troop presence. Maliki told visiting Speaker of the House John Boehner, during an April 16, 2011, visit to Baghdad that Iraq would welcome U.S. training and arms after that time.<sup>37</sup> Subsequent to Boehner's visit, Maliki, anticipating that a vote of the COR would be needed for any extension, stated that a request for U.S. troops might be made if there were a "consensus" among political blocs (which he later defined as at least 70% concurrence).<sup>38</sup> This appeared to be an effort to isolate the Sadr faction, the most vocal opponent of a continuing U.S. presence.

On July 11, 2011, then Secretary of Defense Leon Panetta urged Iraqi leaders to make an affirmative decision, and quickly. On August 3, 2011, major factions gave Maliki their backing to negotiate an SA extension. In September 2011, a figure of about 15,000 remaining U.S. troops, reflecting recommendations of the U.S. military, was being widely discussed.<sup>39</sup> The *New York Times* reported on September 7, 2011, that the Administration was considering proposing to Iraq to retain only about 3,000-4,000 forces, mostly in a training role.<sup>40</sup> Many experts criticized that figure as too low to carry out intended missions.

## **President Obama Announces Decision on Full Withdrawal**

The difficulty in the negotiations—primarily a function of strident Sadrist opposition to a continued U.S. presence—became clearer on October 5, 2011, when Iraq issued a statement that some U.S. military personnel should remain in Iraq as trainers but that Iraq would not extend the legal protections contained in the existing SA. That stipulation failed to meet the requirements of the Defense Department, which feared that trying any American soldier under the Iraqi constitution could lead to serious crises at some stage. On October 21, 2011, President Obama announced that the United States and Iraq had agreed that, in accordance with the November 2008 Security Agreement (SA) with Iraq, all U.S. troops would leave Iraq at the end of 2011. With the formal end of the U.S. combat mission on August 31, 2010, U.S. forces dropped to 47,000, and force levels dropped steadily from August to December 2011. The last U.S. troop contingent crossed into Kuwait on December 18, 2011.

The continuing Sunni unrest and violence has caused some to argue that U.S. gains were jeopardized and that the Administration should have pressed Iraqi leaders harder to allow a U.S. contingent to remain. Those who support the Administration view say that political crisis was likely no matter when the United States withdrew and that it is the responsibility of the Iraqis to resolve their differences.

## **Structure of the Post-Troop Relationship**

After the withdrawal announcement, senior U.S. officials stated that the United States would be able to continue to help Iraq secure itself using programs commonly provided for other countries. Administration officials stressed that the U.S. political and residual security-related presence would be sufficient to exert influence and leverage to ensure that Iraq remained stable, allied to the United States, continuing to move toward full democracy, and economically growing and

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<sup>37</sup> Prashant Rao. "Maliki Tells US' Boehner Iraqi Troops Are Ready." *Agence France Presse*, April 16, 2011.

<sup>38</sup> Aaron Davis. "Maliki Seeking Consensus on Troops." *Washington Post*, May 12, 2011.

<sup>39</sup> Author conversations with Iraq experts in Washington, DC, 2011.

<sup>40</sup> Eric Schmitt and Steven Lee Myers. "Plan Would Keep Military in Iraq Beyond Deadline." September 7, 2011.



vibrant. At the time of the withdrawal, there were about 16,000 total U.S. personnel in Iraq, about half of which were contractors. Of the contractors, most were on missions to protect the U.S. Embassy and consulates, and other State Department and Office of Security Cooperation-Iraq facilities throughout Iraq.

## **Office of Security Cooperation-Iraq (OSC-I) and Major Arms Sales**

The Office of Security Cooperation—Iraq (OSC-I), operating under the authority of the U.S. Ambassador to Iraq, is the primary Iraq-based U.S. institution that interacts with the Iraqi military—primarily by administering the Foreign Military Sales (FMS) programs (U.S. arms sales to Iraq). OSC-I, funded with the Foreign Military Financing (FMF) funds discussed in the aid table below, is the largest U.S. security cooperation office in the world. It works out of the U.S. Embassy in Baghdad and five other locations around Iraq (Kirkuk Regional Airport Base, Tikrit, Besmaya, Umm Qasr, and Taji). OSC-I plans to transfer its facilities to the Iraqi government by the end of 2013.

The total OCS-I personnel numbers over 3,500, but the vast majority are security and support personnel, most of which are contractors. Of the staff, about 175 are U.S. military personnel and an additional 45 are Defense Department civilians. About 46 members of the staff administers the Foreign Military Sales (FMS) program and other security assistance programs such as the International Military Education and Training (IMET) program. Since 2005, DOD has administered 231 U.S.-funded FMS cases totaling \$2.5 billion, and 201 Iraq-funded cases totaling \$7.9 billion. There are a number of other purchase requests initiated by Iraq that, if they all move forward, would add bring the estimated value of all Iraq FMS cases to nearly \$25 billion.<sup>41</sup>

The largest FMS case is the sale of 36 U.S.-made F-16 combat aircraft to Iraq, notified to Congress in two equal tranches, the latest of which was made on December 12, 2011 (Transmittal No. 11-46). The total value of the sale of 36 F-16s is up to \$6.5 billion when all parts, training, and weaponry are included. Iraq has paid \$2.5 billion of that amount, to date. The first deliveries of the aircraft are scheduled for September 2014, although Iraqi officials say that accelerating the deliveries would facilitate Iraqi efforts to inspect Iranian overflights to Syria. Some experts and Iraqi politicians, particularly the Kurds, are calling for withholding the F-16 deliveries unless Maliki recommits to power-sharing with Sunni and Kurdish leaders, loosens ties to Iran, and fully cooperates with U.S. policy on Syria. Iraq's Kurdish leaders have long argued that Maliki could use the F-16's against domestic opponents.

Another large part of the arms sale program to Iraq is for 140 M1A1 Abrams tanks. Deliveries began in August 2010 and the last of them were delivered in late August 2012. The tanks cost about \$860 million, of which \$800 million was paid out of Iraq's national funds. Iraq reportedly is also seeking to buy up to 30 Stryker armored vehicles equipped with gear to detect chemical or biological agents—a purchase that, if notified to Congress and approved and finally agreed with Iraq, would be valued at about \$25 million. On December 23, 2012, the U.S. Navy delivered two support ships to Iraq, which will assist Iraq's fast-attack and patrol boats that secure its offshore oil platforms and other coastal and offshore locations. The United States also plans to sell Iraq equipment that its security forces can use to restrict the ability of insurgent and terrorist groups to move contraband across Iraq's borders and checkpoints (RAPISCAN system vehicles), at cost of

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<sup>41</sup> Iraq Signs Arms Deals Worth \$4.2 Billion. *Washington Post*, October 10, 2012; Tony Capaccio. "Iraq Seeks Up to 30 General Dynamics Stryker Vehicles." *Bloomberg News*, November 19, 2012.

about \$600 million. Some refurbished air defense guns are being provided gratis as excess defense articles (EDA), but Iraq reportedly resented that the guns did not arrive until June 2013.

To help secure its air space and military capabilities, Iraq has requested to purchase from the United States the Integrated Air Defense System and Apache attack helicopters, with a total sale value of about \$10 billion.<sup>42</sup> Iraq argues it cannot, for example, stop Iranian overflights to Syria without the equipment. The sale of the Air Defense system was notified to Congress on August 5, 2013, with a value of \$2.4 billion, and includes 681 Stinger shoulder held units, 3 Hawk anti-aircraft batteries, and other equipment. On that day, and in the preceding week, DSCA notified about \$2.3 billion worth of other sales to Iraq of Stryker nuclear, chemical and biological equipment reconnaissance vehicles, 12 Bell helicopters, the Mobile Troposcatter Radio System, and maintenance support. However, the United States has reportedly not decided on the Apache sale to date, in part because the Apache helicopter could be used against demonstrators or Sunni or Kurdish opponents of the government.

Perhaps to hedge against a potential U.S. cutoff, Iraq seeks to diversify its arms supplies. Maliki visited Russia on October 8, 2012, and signed deals for Russian arms worth about \$4.2 billion. The arms are said to include 30 MI-28 helicopter gunships and air defense missiles, including the Pantsir. Iraq might also buy MiG fighter jets in the future, according to press reports. In mid-October 2012, Iraq agreed to buy 28 Czech-made military aircraft, a deal valued at about \$1 billion.<sup>43</sup>

### ***Police Development Program***

A separate program is the Police Development Program, the largest program that transitioned from DOD to State Department lead, using International Narcotics and Law Enforcement (INCLE) funds. However, Iraq's drive to emerge from U.S. tutelage produced apparent Iraqi disinterest in the PDP. By late 2012, it consisted of only 36 advisers, about 10% of what was envisioned as an advisory force of 350 and it is being phased out entirely during 2013. Two facilities built with over \$200 million in U.S. funds (Baghdad Police College Annex and part of the U.S. consulate in Basra) are to be turned over the Iraqi government by December 2012. Some press reports say there is Administration consideration of discontinuing the program entirely.<sup>44</sup>

### **2013: Iraq Rededicating to U.S. Security Programs?**

In addition to administering arms sales to Iraq, OSC-I's conducts train and assist programs for the Iraq military. Because the United States and Iraq have not agreed on a Status of Forces Agreement (SOFA) document (which would grant legal immunities to U.S. military personnel), the 160 OSC-I personnel involved in these programs are mostly contractors. They train Iraq's forces on counterterrorism and naval and air defense. Some are "embedded" with Iraqi forces as trainers not only tactically, but at the institutional level by advising Iraqi security ministries and its command structure. If a SOFA is agreed, some of these missions could be performed by U.S. military personnel, presumably augmenting the effectiveness of the programs.

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<sup>42</sup> John Hudson. "Iraqi Ambassador: Give Us bigger Guns, And Then We'll Help on Syria." July 17, 2013.

<sup>43</sup> Adam Schreck. "Iraq Presses US For Faster Arms Deliveries." Yahoo.com, October 18, 2012.

<sup>44</sup> Tim Arango. "U.S. May Scrap Costly Efforts to Train Iraqi Policy." *New York Times*, May 13, 2012.

The Sunni-led violence that began in late 2012 and has since accelerated has apparently prompted the Iraqi government to reemphasize security cooperation with the United States. On August 19, 2012, en route to a visit to Iraq, Chairman of the Joint Chiefs of Staff General Martin Dempsey said that “I think [Iraqi leaders] recognize their capabilities may require yet more additional development and I think they’re reaching out to us to see if we can help them with that.”<sup>45</sup> Aside from accelerated delivery of U.S. arms to be sold, <sup>46</sup>Iraq reportedly has expressed interest in expanded U.S. training of the ISF and joint exercises.

After the Dempsey visit, reflecting the Iraqi decision to reengage intensively with the United States on security, it was reported that, at the request of Iraq, a unit of Army Special Operations forces had deployed to Iraq to advise on counterterrorism and help with intelligence, presumably against AQ-I.<sup>47</sup> (These forces presumably are operating under a limited SOFA or related understanding crafted for this purpose.) Other reports suggest that Central Intelligence Agency (CIA) paramilitary forces have, as of late 2012, largely taken over some of the DOD mission of helping Iraqi counter-terrorism forces (Counter-Terrorism Service, CTS) against AQ-I in western Iraq.<sup>48</sup> Part of the reported CIA mission is to also work against the AQ-I affiliate in Syria, the Al Nusrah Front, discussed above.

Reflecting an acceleration of the Iraqi move to reengage militarily with the United States, during December 5-6, 2012, Under Secretary of Defense for Policy James Miller and acting Under Secretary of State for International Security Rose Gottemoeller visited Iraq and a Memorandum of Understanding (MOU) was signed with acting Defense Minister Sadoun Dulaymi. The five year MOU provides for:

- high level U.S.-Iraq military exchanges
- professional military education cooperation
- counter-terrorism cooperation
- the development of defense intelligence capabilities
- joint exercises

The MOU appeared to address many of the issues that have hampered OSC-I from performing the its mission to its full potential. The MOU also reflects some of the more recent ideas put forward, such as joint exercises.

The concept of enhanced U.S.-Iraq cooperation gained further consideration in mid-2013 as the United States sought to prevent the violence in Syria from affecting neighboring states, including Iraq. In late June 2013, General Dempsey said that the United States is looking for ways to improve the military capabilities of Iraq and Lebanon, two countries extensively affected by the Syria conflict. According to Gen. Dempsey, enhanced assistance could involve dispatching training teams and accelerating sales of weapons and equipment. During his August 2013 visit to Washington D.C, conducted primarily to attend meetings of the U.S.-Iraq Political and Diplomatic Joint Coordination Committee (JCC), Foreign Minister Zebari indicated that Iraq

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<sup>45</sup> “U.S. Hopes For Stronger Military Ties With Iraq: General” Agence France-Presse, August 19, 2012.

<sup>46</sup> Dan De Luce. “U.S. ‘Significant’ in Iraq Despite Troop Exit: Dempsey.” Agence France-Presse, August 21, 2012.

<sup>47</sup> Tim Arango. “Syrian Civil War Poses New Peril For Fragile Iraq.” New York Times, September 25, 2012.

<sup>48</sup> Adam Entous et al. “CIA Ramps Up Role in Iraq.” *Wall Street Journal*, March 12, 2013.

wants to expand security cooperation with the United States to enhance ISF capability. His visit came several weeks after the July 21, 2013 Abu Ghraib prison break, discussed above, that caused many experts to say that the lapsing of U.S.-Iraq security cooperation had caused ISF proficiency to deteriorate. Some experts believe the U.S. departure and lapsing of security programs has caused the ISF to lose focus on counter-insurgency strategy, for example.

### ***Regional Reinforcement Capability***

In conjunction with the withdrawal, then Defense Secretary Panetta stressed that the United States would retain a large capability in the Persian Gulf region, presumably to be in position to assist the ISF were it to falter, and to demonstrate continuing U.S. interest in Iraq's security as well as to deter Iran. However, experts and U.S. officials have made clear that the reintroduction of U.S. combat troops into Iraq is not under consideration in response to the deteriorating security situation there.

The United States has about 50,000 military personnel in the region, including about 15,000 mostly U.S. Army forces in Kuwait, a portion of which are, as of mid-2012, combat ready rather than purely support forces. There are also about 7,500 mostly Air Force personnel in Qatar; 5,000 mostly Navy personnel in Bahrain; and about 3,000 mostly Air Force and Navy in the UAE, with very small numbers in Saudi Arabia and Oman. The remainder are part of at least one aircraft carrier task force in or near the Gulf at any given time. The forces are in the Gulf under bilateral defense cooperation agreements with all six Gulf Cooperation Council (GCC) states that give the United States access to their military facilities and, in several cases, to station forces and preposition even heavy armor.

### **The Diplomatic and Economic Relationship**

In his withdrawal announcement, President Obama stated that, through U.S. assistance programs, the United States would be able to continue to develop all facets of the bilateral relationship with Iraq and help strengthen its institutions.<sup>49</sup> The bilateral civilian relationship was the focus of a visit to Iraq by Vice President Biden in early December 2011, just prior to the December 12, 2011, Maliki visit to the United States.

The cornerstone of the bilateral relationship is the Strategic Framework Agreement (SFA). The SFA, signed and entered into effect at the same time as the SA, presents a framework for long-term U.S.-Iraqi relations, and is intended to help orient Iraq's politics and its economy toward the West and the developed nations, and reduce its reliance on Iran or other regional states. The SFA provides for the following (among other provisions):

- U.S.-Iraq cooperation “based on mutual respect,” and that the United States will not use Iraqi facilities to launch any attacks against third countries, and will not seek permanent bases.
- U.S support for Iraqi democracy and support for Iraq in regional and international organizations.

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<sup>49</sup> Remarks by the President on Ending the War in Iraq.” <http://www.whitehouse.gov>, October 21, 2011.

- U.S.-Iraqi dialogue to increase Iraq's economic development, including through the Dialogue on Economic Cooperation and a Trade and Investment Framework Agreement.
- Promotion of Iraq's development of its electricity, oil, and gas sector.
- U.S.-Iraq dialogue on agricultural issues and promotion of Iraqi participation in agricultural programs run by the U.S. Department of Agriculture and USAID.
- Cultural cooperation through several exchange programs, such as the Youth Exchange and Study Program and the International Visitor Leadership Program.

State Department-run aid programs are intended to fulfill the objectives of the SFA, according to State Department budget documents. These programs are implemented mainly through the Economic Support Fund, and the State Department budget justification for foreign operations for FY2014 indicates that most U.S. economic aid to Iraq for FY2014 will go to programs to promote democracy; adherence to international standards of human rights; rule of law, and conflict resolution. Programs funded by the State Department Bureau of International Narcotics and Law Enforcement (INL) will focus on rule of law, moving away from previous use of INL funds for police training. Funding will continue for counterterrorism operations (NADR funds), and for anti-corruption initiatives.

U.S. officials stress that the United States does not bear the only burden for implementing the programs above, in light of the fact that Iraq is now a major oil exporter. For programs run by USAID in Iraq, Iraq matches dollar for dollar the U.S. funding contribution.

### *The State Department as Lead Agency*

Virtually all of the responsibility for conducting the bilateral relationship falls on the State Department, which became the lead U.S. agency in Iraq as of October 1, 2011. With the transition completed, the State Department announced on March 9, 2012, that its "Office of the Iraq Transition Coordinator" had closed. In concert with that closure, the former coordinator, Ambassador Pat Haslach, assumed a senior post in another State Department bureau.

In July 2011, as part of the transition to State leadership in Iraq, the United States formally opened consulates in Basra, Irbil, and Kirkuk. An embassy branch office was considered for Mosul but cost and security issues kept the U.S. facility there limited to a diplomatic office. The Kirkuk consulate close at the end of July 2012 in part due to security concerns and to save costs. As reflected in its FY2014 budget request, the State Department is planning to replace the U.S. consulate in Irbil with a New Consulate Compound in Irbil.

Not only have U.S. plans for some consulates been altered, but the size and cost of the U.S. civilian presence in Iraq is undergoing reduction. In part this is because Iraqi leaders chafed at continued U.S. tutelage and have been less welcoming of frequent U.S. diplomatic exchanges. U.S. diplomats have had trouble going outside the Zone for official appointments because of security concerns. U.S. officials said in mid-2012 that the U.S. Embassy in Baghdad, built at a cost of about \$750 million, carries too much staff relative to the needed mission. From nearly 17,000 personnel at the time of the completion of the U.S. withdrawal at the end of 2011, the number of U.S. personnel in Iraq has fallen to about 10,000 as of mid-2013, and is expected to

fall to about 5,500 by the end of 2013.<sup>50</sup> Of the total U.S. personnel in Iraq, about 1,000 are U.S. diplomats or other civilian employees of the U.S. government.<sup>51</sup> The Ambassador in Iraq is Robert Stephen Beecroft, who was confirmed by the Senate in September 2012. The size of the U.S. presence is related to the debate over whether the State Department, using security contractors, can fully secure its personnel in Iraq. No U.S. civilian personnel in Iraq have been killed or injured since the troop withdrawal.

Some believe that the reduction in personnel reflects waning U.S. influence in Iraq. The March 24, 2013, visit by Secretary Kerry might have been intended to try to reverse the apparent decline in the U.S. profile in Iraq. His visit was the first by a Secretary of State since 2009.

Others say that U.S. influence in private remains substantial. Still others have called for enhanced use of the meetings established by the SFA, to promote peaceful resolution of the rifts in the Iraqi political system and enhance U.S. influence.<sup>52</sup> No meeting of the leadership-level Higher Coordinating Committee was held in 2012, but some argue that an HCC meeting should be held in 2013, potentially attended by President Obama and Prime Minister Maliki. Foreign Minister Zebari's August 2013 visit was in conjunction with one of the JCCs established by the SFA, as noted above. How the Maliki government decides to handle the Sunni uprising could provide indications of the degree of U.S. influence; as noted above, the U.S. is counseling restraint and dialogue and opposes a "military solution" to the uprising.

As shown in **Table 3** below (in the note), the State Department request for operations (which includes costs for the Embassy as well as other facilities and all personnel in Iraq) is about \$1.18 billion for FY2014—less than half the \$2.7 billion requested for FY2013, and down 66% from the \$3.6 billion provided in FY2012. FY2012 was considered a "transition year" to State Department leadership, and requiring high start-up costs.

### ***No Sanctions Impediments***

As the U.S.-Iraq relationship matures, some might focus increasingly on U.S.-Iraq trade and U.S. investment in Iraq. After the fall of Saddam Hussein, all U.S. economic sanctions against Iraq were lifted. Iraq was removed from the "terrorism list," and the Iraq Sanctions Act (Sections 586-586J of P.L. 101-513), which codified a U.S. trade embargo imposed after Iraq's invasion of Kuwait, was terminated. As noted above in the section on the Gulf states, in December 2010, a series of U.N. Security Council resolutions removed most remaining "Chapter VII" U.N. sanctions against Iraq, with the exception of the reparations payments to Kuwait. The lifting of U.N. sanctions allows any country to sell arms to Iraq. However, Iraq still is required to comply with international proliferation regimes—meaning that it is generally barred from reconstituting Saddam era weapons of mass destruction programs. On October 24, 2012, Iraq demonstrated its commitment to compliance with these restrictions by signing the "Additional Protocol" of the Nuclear Non-Proliferation Treaty. Because sanctions have been lifted, there are no impediments to U.S. business dealings with Iraq.

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<sup>50</sup> Ernesto Londono. "U.S. Clout Wanes in Iraq." *Washington Post*, March 24, 2013.

<sup>51</sup> Tim Arango. "U.S. Plans to Cut Its Staff by Half at Iraq Embassy." *New York Times*, February 8, 2012.

<sup>52</sup> Ryan Crocker. "Iraq on The Brink." *Washington Post*, op-ed. May 1, 2013.

**Table 2. March 2010 COR Election: Final, Certified Results by Province**

Province	Elected Seats in COR	Results
Baghdad	68	Maliki: 26 seats; Iraqiyya: 24 seats; INA: 17 seats; minority reserved: 2 seats
Nineveh (Mosul)	31	Iraqiyya: 20; Kurdistan Alliance: 8; INA: 1; Accordance: 1; Unity (Bolani): 1; minority reserved: 3
Qadisiyah	11	Maliki: 4; INA: 5; Iraqiyya: 2
Muthanna	7	Maliki: 4; INA: 3
Dohuk	10	Kurdistan Alliance: 9; other Kurdish lists: 1; minority reserved: 1
Basra	24	Maliki: 14; INA: 7; Iraqiyya: 3
Anbar	14	Iraqiyya: 11; Unity (Bolani): 1; Accordance: 2
Karbala	10	Maliki: 6; INA: 3; Iraqiyya: 1
Wasit	11	Maliki: 5; INA: 4; Iraqiyya: 2
Dhi Qar	18	Maliki: 8; INA: 9; Iraqiyya: 1
Sulaymaniyah	17	Kurdistan Alliance: 8; other Kurds: 9
Kirkuk (Tamim)	12	Iraqiyya: 6; Kurdistan Alliance: 6
Babil	16	Maliki: 8; INA: 5; Iraqiyya: 3
Irbil	14	Kurdistan Alliance: 10; other Kurds: 4
Najaf	12	Maliki: 7; INA: 5
Diyala	13	Iraqiyya: 8; INA: 3; Maliki: 1; Kurdistan Alliance: 1
Salahuddin	12	Iraqiyya: 8; Unity (Bolani): 2; Accordance: 2
Maysan	10	Maliki: 4; INA: 6
<b>Total Seats</b>	<b>325</b>	Iraqiyya: 89 + 2 compensatory = 91
	(310 elected + 8 minority reserved + 7 compensatory)	Maliki: 87 + 2 compensatory = 89
		INA: 68 + 2 compensatory = 70 (of which about 40 are Sadrist)
		Kurdistan Alliance: 42 + 1 compensatory = 43
		Unity (Bolani): 4
		Accordance: 6
		other Kurdish: 14
		minority reserved: 8

**Source:** Iraqi Higher Election Commission, March 26, 2010.

**Notes:** Seat totals are approximate and their exact allocation may be subject to varying interpretations of Iraqi law. Total seat numbers include likely allocations of compensatory seats. Total seats do not add to 325 total seats in the COR due to some uncertainties in allocations.

**Table 3. U.S. Assistance to Iraq: FY2003-FY2013**

(appropriations/allocations in millions of \$)

	FY '03	04	05	06	07	08	09	10	11	12	Total 03-12	FY13 Est.	FY14 Request
IRRF	2,475	18,389	—	10	—	—	—	—	—	—	20,874		
ESF	—	—	—	1,535.4	1,677	429	541.5	382.5	325.7	250	5,140	262.9	22.5
Democracy Fund	—	—	—	—	250	75	—	—	—	—	325		
IFTA (Treasury Dept. Asst.)	—	—	—	13.0	2.8	—	—	—	—	—	15.8		
NADR	—	—	3.6	—	18.4	20.4	35.5	30.3	29.8	32	170	30.3	25.6
Refugee Accounts (MRA and ERMA)	39.6	.1	—	—	78.3	278	260	316	280	—	1,100		
IDA	22	—	7.1	.3	45	85	51	42	17	—	269		
Other USAID Funds	470	—	—	—	—	23.8	—	—	—	—	494		
INCLE	—	—	—	91.4	170	85	20	702	114.6	137	1,320	850	23.1
FMF	—	—	—	—	—	—	—	—	—	850	850	900	500
IMET	—	1.2	—	—	1.1	—	2	2	1.7	2	10	2	2
DOD—ISF Funding	—	—	5,391	3,007	5,542	3,000	1,000	1,000	1,155	—	20,095		
DOD— Iraq Army	51.2	—	210	—	—	—	—	—	—	—	261		
DOD— CERP	—	140	718	708	750	996	339	263	44.0	—	3,958		
DOD—Oil Repair	802	—	—	—	—	—	—	—	—	—	802		
DOD— Business Support	—	—	—	—	50.0	50.0	74.0	—	—	—	174		
<b>Total</b>	<b>3,859</b>	<b>18,548</b>	<b>6,329</b>	<b>5,365</b>	<b>8,584</b>	<b>5,042</b>	<b>2,323</b>	<b>2,738</b>	<b>1,968</b>	<b>1,519</b>	<b>56,259</b>	<b>2,045.2</b>	<b>573.2</b>

**Sources:** State Department FY2014 Executive Budget Summary; SIGIR Report to Congress, October 30, 2012; and CRS calculations.

**Notes:** Table prepared by Curt Tarnoff, Specialist in Foreign Affairs, May 2013. This table does not contain agency operational costs, except where these are embedded in the larger reconstruction accounts. About \$3.6 billion was spent for those functions in FY2012, and another \$2.7 billion was requested by State Department for these costs in FY2013. The FY2014 request is for \$1.18 billion in such costs. IG oversight costs estimated at \$417 million. IMET=International Military Education and Training; IRRF=Iraq Relief and Reconstruction Fund; INCLE=International Narcotics and Law Enforcement Fund; ISF=Iraq Security Force; NADR=Nonproliferation, Anti-Terrorism, Demining and Related; ESF=Economic Support Fund; IDA=International Disaster Assistance; FMF=Foreign Military Financing; ISF= Iraqi Security Forces.



**Table 4. Recent Democracy Assistance to Iraq**

(in millions of current \$)

	<b>FY2009</b>	<b>FY2010 (act.)</b>	<b>FY2011</b>	<b>FY2012</b>
Rule of Law and Human Rights	32.45	33.3	16.5	29.75
Good Governance	143.64	117.40	90.33	100.5
Political Competition/Consensus-Building	41.00	52.60	30.00	16.25
Civil Society	87.53	83.6	32.5	55.5
<b>Totals</b>	<b>304.62</b>	<b>286.9</b>	<b>169.33</b>	<b>202.0</b>

**Source:** Congressional Budget Justification, March 2011. Figures for these accounts are included in the overall assistance figures presented in the table above. FY2013 and FY2014 ESF and INCLE-funded programs focus extensively on democracy and governance, rule of law, and anti-corruption.

**Table 5. Election Results (January and December 2005)**

Bloc/Party	Seats (Jan. 05)	Seats (Dec. 05)
United Iraqi Alliance (UIA, Shiite Islamist). 85 seats after departure of Fadilah (15 seats) and Sadr faction (28 seats) in 2007. Islamic Supreme Council of Iraq of Abd al-Aziz al-Hakim has 30; Da'wa Party (25 total: Maliki faction, 12, and Anizi faction, 13); independents (30).	140	128
Kurdistan Alliance—KDP (24); PUK (22); independents (7)	75	53
Iraqis List (secular, Allawi); added Communist and other mostly Sunni parties for Dec. vote.	40	25
Iraq Accord Front. Main Sunni bloc; not in Jan. vote. Consists of Iraqi Islamic Party (IIP, Tariq al-Hashimi, 26 seats); National Dialogue Council of Khalaf Ulayyan (7); General People's Congress of Adnan al-Dulaymi (7); independents (4).	—	44
National Iraqi Dialogue Front (Sunni, led by former Baathist Saleh al-Mutlak) Not in Jan. 2005 vote.	—	11
Kurdistan Islamic Group (Islamist Kurd) (votes with Kurdistan Alliance)	2	5
Iraqi National Congress (Chalabi). Was part of UIA list in Jan. 05 vote	—	0
Iraqis Party (Yawar, Sunni); Part of Allawi list in Dec. vote	5	—
Iraqi Turkomen Front (Turkomen, Kirkuk-based, pro-Turkey)	3	1
National Independent and Elites (Jan)/Risalyun (Message, Dec.) pro-Sadr	3	2
People's Union (Communist, non-sectarian); on Allawi list in Dec. vote	2	—
Islamic Action (Shiite Islamist, Karbala)	2	0
National Democratic Alliance (non-sectarian, secular)	1	—
Rafidain National List (Assyrian Christian)	1	1
Liberation and Reconciliation Gathering (Umar al-Jabburi, Sunni, secular)	1	3
Ummah (Nation) Party. (Secular, Mithal al-Alusi, former INC activist)	0	1
Yazidi list (small Kurdish, heterodox religious minority in northern Iraq)	—	1

**Notes:** Number of polling places: January: 5,200; December: 6,200; Eligible voters: 14 million in January election; 15 million in October referendum and December; Turnout: January: 58% (8.5 million votes)/ October: 66% (10 million)/December: 75% (12 million).

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